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CITY OF BURBANK, including the Police
Department of the City of Burbank

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-
GOMEZ; STEVE KARAGIOSIAN;
ELFEGO RODRIGUEZ; AND JAMAL
CHILDS,

Plaintiffs,

-vs-

BURBANK POLICE DEPARTMENT;
CITY OF BURBANK; TIM STEHR;
KERRY SCHILF; JAMIE "J.J." PUGLISI;
DAN YADON; KELLY FRANK; PAT
LYNCH; MIKE PARRINELLO; AARON
KENDRICK; DARIN RYBURN; AND
DOES 1 THROUGH 100, INCLUSIVE.

Defendants.

CASE NO: BC 414602
[Hon. Joanne O'Donnell, Dept. 37]

**VOLUME 1: DEFENDANT CITY OF
BURBANK, INCLUDING THE
POLICE DEPARTMENT OF THE
CITY OF BURBANK'S APPENDIX
OF EVIDENCE IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT, OR IN THE
ALTERNATIVE, SUMMARY
ADJUDICATION OF ISSUES
AGAINST PLAINTIFF STEVE
KARAGIOSIAN; DECLARATIONS
OF TIM STEHR, JANICE LOWERS,
PATRICK LYNCH, ARMEN
DERMENJIAN, LINDA SAVITT,
EXHIBITS**

[Filed Concurrently With Motion and
Separate Statement of Undisputed Material
Facts]

Date: July 20, 2010

Time: 9:00

Dept.: 37

Trial: Aug. 25, 2010

Action filed: May 28, 2009

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DECLARATION OF TIM STEHR

I, TIM STEHR, declare:

1. The facts stated herein are personally known to me and I have first-hand knowledge thereof. If called upon to do so, I could and would competently testify thereto.

2. I served as Chief of Police of the Burbank Police Department ("BPD") from August 2007 until my retirement in December 2009. I began working for the Burbank Police Department in 1978. As the Chief of Police of the Burbank Police Department, I was the ultimate custodian of the Burbank Police Department police personnel records.

3. On March 5, 2008, the BPD received an anonymous letter alleging that racial and ethnic remarks had been made by unnamed BPD officers. An outside attorney and investigator, Irma Rodriguez Moisa, was hired by the City of Burbank to conduct an independent investigation into the allegations contained in the anonymous letter.

4. Moisa concluded her investigation on May 20, 2008. During the course of her investigation, Moisa interviewed approximately thirteen BPD officers, including Officer Steve Karagiosian.

5. As a result of Moisa's investigation and a follow-up internal investigation, Officer Aaron Kendrick was disciplined. Officer Jared Cutler left the employ of BPD before any discipline relating to Moisa's investigation could be considered.

6. Officer Steve Karagiosian began working for the BPD in 2004, and was still working for the BPD when I retired in December 2009. He became a crisis negotiator in January, 2007, and served as a regular Field Training Officer from February 2007 until he was assigned to BPD's Special Enforcement Detail, or SED, in August 2007. The SED assignment did not involve any additional compensation.

7. Assignments to the SED and SRT (SWAT Team) do not involve any change in rank. Temporary training officer assignments also do not involve any change in rank.

8. The decision to disband the SED unit was made by me and announced on or about May 4, 2009, based on the recommendation of the Captain over the SED unit,

1 Janice Lowers. I agreed with Captain Lowers that disbanding the unit was the best way to
2 meet the BPD's needs. The decision was based on several factors. Specifically:

3 a. The BPD was facing budgetary constraints which left it understaffed.
4 These budget constraints had kept the BPD from fully staffing the SED unit, and left the
5 BPD with openings in its Patrol division as well. (Specifically, for Fiscal Year 2009/2010,
6 the BPD cut more than \$1.3 million, or 3.6% of its total budget, and as part of the budget
7 cut, the BPD eliminated two open patrol officer positions.) I thought that it was more
8 important to address the needs of the Patrol division than to provide assistance to
9 detectives through the SED unit, because the Patrol officers are the front-line officers
10 who respond to calls for assistance and provide police presence "on the street."
11 Furthermore, because the SED unit could not be fully staffed due to the budgetary
12 constraints, I did not believe the unit could function effectively.

13 b. I did not believe that a unit like SED, that focused on assisting
14 detectives was the best way to use BPD resources. The SED was in existence when I
15 assumed the position of Police Chief. I did not create the unit. I announced my intention
16 to create a "Special Problems Unit" at the time I disbanded SED, but budgetary
17 constraints kept me from creating such a unit while I remained Chief of Police, and I am
18 informed and believe that no such unit has been created or staffed after my recent
19 retirement. I envisioned a unit of uniformed officers within Patrol who would assist the
20 BPD with special problems in all areas, instead of purely plainclothes officers assisting
21 the detectives as was the case in SED. Among the duties which I envisioned for this new
22 unit would be assisting the newly created BPD crime analysis unit, which utilizes the
23 BPD's new computer systems to study crime statistics and spot crime trends patterns
24 immediately.

25 c. I was also concerned about the supervision of the SED unit. In
26 January 2009 I had removed the Sergeant over SED, Neil Gunn. Sergeant Gunn was
27 replaced by Sergeant Travis Irving. However, Sergeant Irving was also assigned to
28 supervisory duties at the Burbank animal shelter and therefore could not devote his full

1 time to supervising SED.

2 d. I was concerned about the fact that SED had been supervised by a
3 Sergeant whose record on use of force may have become subject to scrutiny. In January
4 2009 I had removed Sergeant Gunn from SED due to concerns about the number of use of
5 force incidents in which he had been personally involved. As a supervisor, Sergeant Gunn
6 was expected to provide oversight and guidance during SED operations, and to ensure
7 proper use of force techniques used by subordinates rather than becoming personally
8 involved in use of force. I became aware that instead, Sergeant Gunn was too often
9 himself becoming involved in the use of force incidents. I had instructed through the
10 chain of command that Sergeant Gunn be counseled about this problem, and Captain
11 Lowers had informed me that he was so counseled. Despite this, Sergeant Gunn had
12 continued to be inappropriately involved in use of force incidents.

13 9. Shortly before I disbanded the SED unit in May of 2009, I learned of
14 allegations that Lieutenant Omar Rodriguez (also a plaintiff in this action) had used
15 unauthorized force in interrogating a witness, and that Lieutenant Rodriguez and other
16 officers had intimidated members of the Department to cover up Lieutenant Rodriguez's
17 misconduct. These allegations led me to refer the matter to the Los Angeles County
18 Sheriff's Department for investigation. I had also recently learned that the Federal Bureau
19 of Investigation was conducting its own investigation of use of force by BPD officers.
20 Under these circumstances, I was concerned that officers assigned to the SED unit could
21 come under increased scrutiny based on the history of Sergeant Gunn. Neither my
22 decision to accept the recommendation of Captain Lowers to disband the SED unit, nor
23 any other action which I took at any time, was motivated by Steve Karagiosian's race,
24 ethnicity, ancestry, or any complaint he may ever have made about discrimination,
25 harassment, or retaliation.

26 10. The SED officers who were transferred to Patrol work following the
27 disbanding of the SED unit, including Steve Karagiosian, had no loss of pay, remained in
28 the same job classification, and were eligible to participate in special assignment

1 selections.

2 **CITY/DEPARTMENT TRAININGS TO PREVENT DISCRIMINATION,**
3 **HARASSMENT, AND RETALIATION.**

4 11. The City of Burbank police department has provided repeated trainings for
5 employees to prevent Discrimination and Harassment. In 2005, the City of Burbank
6 reissued to its employees its Prevention against Discrimination and Harassment Policy. A
7 true and correct copy is attached hereto as exhibit 200.

8 12. In 2005, the City of Burbank also gave training to its employees to prevent
9 harassment.

10 13. In 2006, the City of Burbank gave training to its employees to prevent
11 harassment.

12 14. In 2007, the City of Burbank gave training to its employees to prevent
13 harassment. The issue was documented at roll call.

14 15. In 2008, the City of Burbank gave training to its employees to prevent
15 harassment.

16 16. After receiving a copy of an anonymous letter alleging discrimination and
17 ordering an investigation/inquiry to be conducted by attorney Irma Rodriguez Moisa,
18 from the law firm of Atkinson, Andelson, Loya, Ruud, and Romo, on March 11, 2008, the
19 Burbank Police Department issued a written reminder of the Department's Zero
20 Tolerance Policy. A true and correct copy is attached hereto as exhibit 115.

21 17. The Zero Tolerance Policy was read at roll call on March 13, 2008 and
22 March 14, 2008.

23 18. On May 9, 2008, the City of Burbank reminded all officers at roll call to not
24 violate the City's anti-harassment policy.

25 19. On September 1, 2008, the City of Burbank's revised Prevention of
26 Discrimination and Harassment Policy issued. A true and correct copy is attached hereto
27 as exhibit 118.

28 20. In November 2008, I ordered a mandatory four hour diversity training
program be set up and mandated that all officers visit the Museum of Tolerance. I

1 instructed Omar Rodriguez to set that up.

2 21. On November 21, 2008, we had our first diversity training done by Nayiri
3 Nahahedian.

4 22. We had further diversity training for lieutenants and sergeants on December
5 12, 2008, and for detectives on December 19, 2008.

6 23. On January 15, 2009, the City of Burbank's Prevention of Discrimination
7 and Harassment Policy was read at roll call.

8 24. In 2009, the City of Burbank also gave training to its employees to prevent
9 harassment. In March of 2009 the BPD conducted mandatory training to prevent
10 discrimination.

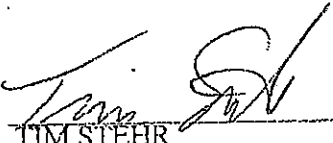
11 25. On May 10, 2009, I issued a written memorandum to all police personnel
12 regarding employee communications about an internal administrative investigation, a true
13 and correct copy of which is attached hereto as exhibit 117.

14 26. On or about June 4, 2009, I issued a written memorandum to all police
15 personnel on "Maintaining a Professional Work Environment, a true and correct copy of
16 which is attached hereto as exhibit 201.

17 27. In June and July of 2009, the Burbank police officers attended Museum of
18 Tolerance training.

19 28. Neither my decision to disband SED, nor any other action which I took at
20 any time, was motivated by Officer Steve Karagiosian's race, ethnicity, ancestry, or any
21 complaint he may ever have made about discrimination, harassment, or retaliation.

22 I declare under penalty of perjury that the foregoing is true and correct and
23 executed May 5, 2010, at Burbank, California.

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TIM STEHR

Declaration of
Janice Lowers

DECLARATION OF JANICE LOWERS

I, JANICE LOWERS, DECLARE:

1. I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. I am a police officer with the Burbank Police Department where I started in 1976 and rose to the rank of Captain. I have been a Captain in the Department since 2003, and was Captain over the Burbank Police Department's Special Enforcement Detail, or SED from 2004 until it was disbanded in 2009.

3. Officer Steve Karagiosian is a police officer with the Burbank Police Department, and has worked for the Burbank Police Department since 2004.

4. In or around August, 2007, I selected Officer Steve Karagiosian for SED.

5. In or around May 2009, I made the recommendation to Chief Stehr to disband SED. At that time, the Burbank Police Department was facing budgetary constraints which had kept the Department from fully staffing SED due to staff shortages in its Patrol Division. I made the recommendation that SED be disbanded because I believed that it was more important to address the needs of the Patrol Division (the officers who respond to requests for assistance) than to provide additional assistance to Department detectives through SED.

6. On multiple occasions, I counseled the Sergeant over SED, Neil Gunn, that, as a supervisor, he shouldn't be the "first one through the door" and that he needed to avoid becoming personally involved in use of force situations. I concluded that he was not following my instructions in this regard, and made my conclusions known to Chief Stehr.

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MAY-04-2010 12:34

Ballard Rosenberg

818 506 4827 P.03

1 7. Neither my recommendation to disband SED, nor any other action which I
2 took at any time, was motivated by Officer Steve Karagiosian's race, ethnicity, ancestry,
3 or any complaint he may ever have made about discrimination, harassment, or retaliation.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct and was executed on May 4, 2010, at Burbank, California.

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8 JANICE LOWERS
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Def.'s Appendix of Evidence on MSJ against Pl. Karagiosian

396646.1

TOTAL P.03

P.03

Declaration of
Pat Lynch

DECLARATION OF PATRICK LYNCH

I, PATRICK LYNCH, DECLARE:

1. I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. I am employed as a police officer with the Burbank Police Department. I currently hold the rank of Captain, and oversee the testing for Field Training Officers.

3. The Burbank Police Department had a single opening for a Field Training Officer ("FTO") in 2009. Steve Karagiosian and eight other officers took the FTO test. The test and rating process involve three areas. An oral examination using the same questions for each candidate is given and each candidate's answers are rated by three interviewers. Each candidate's prior work evaluation ratings are quantified. And each candidate is rated by the supervisors, the lieutenants and sergeants, who have supervised their work. Thus, each candidate is rated by multiple individuals based on their work over a period of several years. Each of these ratings are quantified using a standardized system, and a total figure is compiled for each candidate such that their score is not controlled by any single supervisor.

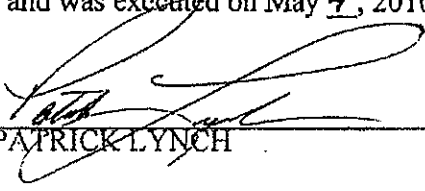
4. After all of the 2009 test results were compiled, the number one candidate was Officer Wise with a score of 94.09. There was only one FTO opening, and he was the only officer to receive an assignment to FTO. The number two candidate was Officer Green with a score of 90.59. The number three candidate was Officer Karagiosian with a score of 89.84. I assigned Lt. Berry to interview the top three candidates to provide his recommendation as to who would be selected for the single FTO opening. He recommended that Officer Wise be selected. I accepted Lt. Berry's recommendation and selected Officer Wise for the position.

5. Officer Karagiosian is still employed as a police officer with the Burbank Police Department, and has worked for the Burbank Police Department since 2004.

6. An assignment to the Burbank Police Department's Special Response Team (similar to what is commonly called a SWAT team) does not involve a change in pay or rank.

1 7. I met with Steve Karagiosian in May of 2009 concerning his request to have
2 a Monday - Wednesday shift in the Patrol division. At that time there was already a
3 deployment in place with officers having previously been assigned to shifts. I placed
4 Officer Karagiosian on the Thursday, Friday, Saturday shift for the remainder of the
5 deployment because the Burbank city council was expressing an interest and priority in
6 getting speeding and smoking problems under control, these problems occurred more
7 often on weekends, and it was necessary to assign more officers to the weekend shift to
8 address them. On the next deployment I was able to put Officer Karagiosian on a
9 Monday-Wednesday shift per his request. By the end of the year, he selected the
10 Thursday-Saturday shift for the 2010 first deployment, also working with Officer
11 Kendrick. He received the shift he selected for the January-April 2010 deployment.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct and was executed on May 4, 2010, at Burbank, California.

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16 PATRICK LYNCH
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Declaration of
Armen Dermenjian

DECLARATION OF ARMEN DERMENJIAN

I, ARMEN DERMENJIAN DECLARE:

1. I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. I am employed as a police officer with the Burbank Police Department. I currently hold the rank of Lieutenant.

3. On or about March 9 and 10, 2010, I attended a training class at the Burbank Police Department presented by the LA County Sheriff's Department about how to search records and data bases for information. During the last session on the first day, one of the Sheriffs referenced a joke about Armenians. As soon as the session ended, I immediately spoke to the person who made the comment and his supervisor, both of whom were instructors and Sheriffs department employees. I stated they were not to make ethnic comments or jokes. They agreed. They returned on a second day and provided training to another group. I heard no further information about such comments being made the next day.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and was executed on May 5, 2010, at Boston, Massachusetts.


ARMEN DERMENJIAN

1 **DECLARATION OF LINDA MILLER SAVITT IN SUPPORT OF MOTION FOR**
2 **SUMMARY JUDGMENT/ADJUDICATION OF ISSUES**

3 I, Linda C. Miller Savitt, declare:

4 1 I am an attorney at law licensed to practice in the state of California and a
5 partner in the firm of Ballard Rosenberg Golper & Savitt LLP, attorneys of record for The
6 City of Burbank in this case of Rodriguez, et. al v. Burbank Police Department, et. al, Los
7 Angeles Superior Court case number BC 414602. I am the partner in charge of this case.
8 The facts set forth herein are personally known to me and I have first hand knowledge
9 thereof. If called as a witness I could and would testify competently thereto.

10 2. Attached hereto as Exhibit "A" is a true and correct copy of plaintiffs' First
11 Amended Complaint in this case.

12 3. On November 12, 2009, I took the first session of the deposition of plaintiff
13 Steve Karagiosian. Pertinent portions of that deposition are attached hereto as Exhibit
14 "B".

15 4. On November 13, 2009, I took the second session of the deposition of
16 plaintiff Steve Karagiosian. Pertinent portions of that deposition are attached hereto as
17 Exhibit "C".

18 5. On February 25, 2010, I took the third session of the deposition of plaintiff
19 Steve Karagiosian. Pertinent portions of that deposition are attached hereto as Exhibit
20 "D".

21 6. On March 17, 2010, I took the fourth session of the deposition of plaintiff
22 Steve Karagiosian. Pertinent portions of that deposition are attached hereto as Exhibit
23 "E".

24 7. On October 16, 2009, I took the first session of the deposition of plaintiff
25 Jamal Childs. Pertinent portions of that deposition are attached hereto as Exhibit "F".

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1 8. Attached hereto as Exhibit "G" is a true and correct copy of the relevant
2 portions of the certified deposition transcripts of Plaintiff Elfego Rodriguez taken in this
3 case, from volume 1 (taken on August 10, 2009), volume 2 (taken on October 8, 2009),
4 and volume 3 (taken on January 11, 2010).

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct and was executed on May 5, 2010, at Glendale, California.

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9 Linda Miller Savitt

SUMMONS on First Amended Complaint (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Burbank Police Department; City of Burbank; and Does 1 through 100, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Omar Rodriguez; Cindy Guillen-Gomez; Steve Karagiosian; Elfego Rodriguez; and Jamal Childs

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFIRMED COPY
OF ORIGINAL
Superior Court of California
County of Los Angeles

JUL 31 2009

John A. Clarke, Executive Officer/Clerk
By RUGENA LOPEZ, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
Central District

111 North Hill Street, Los Angeles, CA 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Solomon E. Gresen (Bar # 164783)

LAW OFFICES OF RHEUBAN & GRESSEN, 15910 Ventura Boulevard, Suite 1610, Encino, CA 91436

DATE:

(Fecha)

JOHN A. CLARKE
(Secretario)

CASE NUMBER:
(Número del Caso):

BC414602

Fax No.: (310) 815-2737

Phone No.: (310) 815-2727

RUGENA LOPEZ
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- | | | |
|--------|--|---|
| under: | <input type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| | <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| | <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| | <input type="checkbox"/> other (specify): | |

4. ☐ by personal delivery on (date):

(SPACE BELOW FOR FILING STAMP ONLY)

SOLOMON E. GRESEN [SBN: 164783]
 STEVEN V. RHEUBAN [SBN: 48538]
 LAW OFFICES OF RHEUBAN & GRESEN
 1990 SOUTH BUNDY DRIVE, SUITE 540
 LOS ANGELES, CALIFORNIA 90025
 TELEPHONE: (310) 979-0325
 FACSIMILE: (310) 979-0351

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 OF ORIGINAL FILED
 Superior Court of California
 County of Los Angeles

JUL 31 2009

John A. Clarke, Executive Officer/Clerk
 By RUGENA LOPEZ Deputy

Attorneys for Plaintiffs OMAR RODRIGUEZ,
 STEVE KARAGIOSIAN, CINDY GUILLEN-GOMEZ,
 ELFEGO RODRIGUEZ AND JAMAL CHILDS

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-
 GOMEZ; STEVE KARAGIOSIAN;
 ELFEGO RODRIGUEZ; AND JAMAL
 CHILDS,

Plaintiffs,

-vs-

BURBANK POLICE DEPARTMENT; CITY
 OF BURBANK; AND DOES 1 THROUGH
 100, INCLUSIVE.

Defendants.

CASE NO: BC 414 602

Assigned to: HON. JOANNE O'DONNELL,
 DEPT. 37

Case Filed: May 28, 2009

FIRST AMENDED COMPLAINT FOR:

1. VIOLATIONS OF THE CALIFORNIA FAIR
 EMPLOYMENT AND HOUSING ACT
 [GOVERNMENT CODE § 12940 ET SEQ.];

2. VIOLATIONS OF THE PUBLIC SAFETY
 OFFICERS PROCEDURAL BILL OF
 RIGHTS [GOVERNMENT CODE § 3300
 ET SEQ.]; AND

3. INJUNCTIVE RELIEF

COME NOW PLAINTIFFS, OMAR RODRIGUEZ, CINDY GUILLEN-GOMEZ, STEVE
 KARAGIOSIAN, ELFEGO RODRIGUEZ, AND JAMAL CHILDS, WHO ALLEGE AS FOLLOWS:

GENERAL ALLEGATIONS

1. At all times herein mentioned, Plaintiff OMAR RODRIGUEZ ("Lt. Rodriguez") was,
 and remains, a resident of the County of Los Angeles, State of California, and the acts complained of
 took place in the County of Los Angeles, State of California. Plaintiff is Hispanic, of Cuban ancestry
 and, at all times herein mentioned, was employed by Defendants BURBANK POLICE DEPARTMENT

1 ancestry and, at all times herein mentioned, was employed by Defendants BURBANK POLICE
2 DEPARTMENT and CITY OF BURBANK. Plaintiff Rodriguez currently holds the rank of
3 lieutenant, and is the first and only Hispanic promoted to lieutenant in the entire history of the
4 BURBANK POLICE DEPARTMENT.

5 2. At all times herein mentioned, Plaintiff CINDY GUILLEN-GOMEZ (Officer
6 "Guillen") was, and remains, a resident of the County of Orange, State of California, and the acts
7 complained of took place in the County of Los Angeles, State of California. Plaintiff is Hispanic, of
8 Costa Rican and Guatemalan ancestry and, at all times herein mentioned, was employed by
9 Defendants BURBANK POLICE DEPARTMENT and CITY OF BURBANK. Plaintiff Guillen was
10 the first Hispanic female officer in the entire history of the BURBANK POLICE DEPARTMENT.

11 3. At all times herein mentioned, Plaintiff STEVE KARAGIOSIAN (Officer
12 "Karagiosian") was, and remains, a resident of the County of Los Angeles, State of California, and
13 the acts complained of took place in the County of Los Angeles, State of California. Plaintiff is of
14 Armenian ancestry and, at all times herein mentioned, was employed by Defendants BURBANK
15 POLICE DEPARTMENT and CITY OF BURBANK. Until recently, Officer Karagiosian was a
16 member of the Special Enforcement Detail ("SED"), an elite squad at the Burbank Police
17 Department.

18 4. At all times herein mentioned, Plaintiff ELFEGO RODRIGUEZ (Officer "E.
19 Rodriguez") was, and remains, a resident of the County of Los Angeles, State of California, and the
20 acts complained of took place in the County of Los Angeles, State of California. Plaintiff is
21 Hispanic, of Guatemalan ancestry and, at all times herein mentioned, was employed by Defendants
22 BURBANK POLICE DEPARTMENT and CITY OF BURBANK. Until recently, Officer E.
23 Rodriguez was also a member of the SED.

24 5. At all times herein mentioned, Plaintiff JAMAL CHILDS (Officer "Childs") was, and
25 remains, a resident of the County of San Bernardino, State of California, and the acts complained of
26 took place in the County of Los Angeles, State of California. Plaintiff is black, of African ancestry
27 and, at all times herein mentioned, was employed by Defendants BURBANK POLICE
28 DEPARTMENT and CITY OF BURBANK.

1 6. Plaintiffs are informed and believe and based thereon allege that Defendant
2 BURBANK POLICE DEPARTMENT (the "Burbank PD") is a public entity in the State of
3 California. Plaintiffs are further informed and believe that Defendant Burbank PD employs more
4 than five employees and is engaged in interstate commerce within the meaning of California
5 Government Code, section 12926. At all times mentioned herein, Defendant Burbank PD was the
6 employer of each Plaintiff described above.

7 7. Plaintiffs are informed and believe and based thereon allege that Defendant CITY OF
8 BURBANK ("COB") is a public entity in the State of California. The exact relationship between
9 Defendant COB and the Burbank PD is unknown to Plaintiffs. However, Plaintiffs are informed and
10 believe that Defendant COB owns and/or operates Defendant Burbank PD, such that both entities are
11 properly defendants in this action. In addition, Plaintiffs are informed and believe that Defendant
12 COB employs more than five employees and is engaged in interstate commerce within the meaning
13 of California Government Code, section 12926. At all times mentioned herein, Plaintiffs are
14 informed and believe that Defendant COB was the employer of each Plaintiff described above, along
15 with the Burbank PD.

16 8. The true names and capacities, whether individual, corporate, associate or otherwise,
17 of Defendants named herein as DOES are unknown to Plaintiffs, who therefore sues said Defendants
18 by said fictitious names. Plaintiff is informed and believes, and thereupon alleges, that each of said
19 DOE Defendants is negligently or otherwise responsible in some manner for the events and
20 happenings herein referred to, and negligently or otherwise caused injuries and damages proximately
21 thereby to the Plaintiffs. Plaintiff prays leave to amend this Complaint to substitute the specific
22 names of said DOES and to specify their said negligent acts as they become known.

23 9. Plaintiffs are informed and believes and based thereon alleges that at all times
24 mentioned herein, DOES 1 through 100, and each of them, were the officers, directors, advisors,
25 employees or otherwise agents and/or co-conspirators of Defendants Burbank PD and COB, and
26 each of them, and were acting within the scope of their authority as such officers, directors, advisors,
27 employees or agents with the permission and consent of Defendants Burbank PD and COB, and each
28 of them, such that Plaintiffs are informed and believe that Defendants Burbank PD and COB

1 approved, encouraged, or otherwise ratified and/or adopted the alleged acts and actions of DOES 1
2 through 100, and each of them, as more fully described at length, below. Defendants Burbank PD
3 and COB was involved in the selection, consultation, and or hiring of each and every other
4 participant in the events relevant herein, along with DOES 1 through 100, and each of them, who at
5 all times were acting in both an individual capacity, and as officers, directors, advisors, employees or
6 otherwise agents of Defendants Burbank PD and COB.

7 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

8 **A. Plaintiff Omar Rodriguez ("Lt. Rodriguez")**

9 10. Lt. Rodriguez was hired by Defendants Burbank PD and COB as a police officer on
10 May 20, 1988. Lt. Rodriguez was and, until recently, the only Cuban officer ever to be hired by the
11 Burbank PD and/or COB as a police officer. Between 1992 and 1995, Lt. Rodriguez served on the
12 Special Enforcement Detail (SED), one of the more prestigious assignments within the Burbank PD.
13 As a member of the SED team, Lt. Rodriguez was assigned the more serious, high risk, high profile
14 investigations. At all times during his tenure at the SED, Lt. Rodriguez performed his duties in a
15 professional and competent manner.

16 11. In or about June, 1995, after approximately seven years of outstanding service with
17 Burbank PD and COB, Lt. Rodriguez took the examination for the rank of "Detective" and received
18 the highest score of all those who took the test. Nevertheless, a Caucasian officer was promoted to
19 Detective before Lt. Rodriguez. Because Plaintiff outperformed the Caucasian officer on the
20 Detective's examination, Plaintiff is informed and believes that the promotion of the Caucasian
21 officer before the Hispanic officer was racially motivated. Before Plaintiff was eventually promoted,
22 yet another Caucasian officer was promoted to the rank of Detective, even though that officer scored
23 much lower on the examination. Later that year, in or about October, 1995, Plaintiff Rodriguez
24 became a Certified Voice Stress Analysis ("CVSA") operator for the department and, shortly
25 thereafter, on or about November, 1995, after being skipped 2 times in favor of lower scoring
26 Caucasian officers, Plaintiff received his promotion to Detective.

27 12. In or about the end of 2001, or the beginning of 2002, Plaintiff participated in the
28 testing process for the position of Sergeant. As part of the testing process, all candidates are ranked

1 by the Lieutenants and Captains on a scale of 1 to 5, with 5 being the highest ranking possible. Lt.
2 Rodriguez received the maximum ranking of 5. It is the policy of the Burbank PD and COB,
3 however, to allow the Chief of Police the discretion to adjust the ranking of any of the applicants by
4 a maximum of 2 points, either higher (to a maximum of 5) or lower (to a minimum of 1). Plaintiff is
5 informed and believes that the exercise of such discretion by a Chief of Police was rare, as it would
6 have had the effect of countermanding the judgment of the Lieutenants and Captains, who would
7 have been the applicant's direct supervisors.

8 13. The Chief of Police, who at that time was Chief Hoefel, exercised his discretion and
9 lowered Lt. Rodriguez's ranking from a 5 to a 3 (which ultimately had the effect of delaying
10 Plaintiff's promotion to Sergeant by at least 1 year or more). Plaintiff was informed by the Chief
11 that the reason for the "adjustment" was because Plaintiff did not have a college degree. Many
12 Caucasian Sergeants at that time, however, did not hold college degrees, and the policies of the
13 Burbank PD at that time did not require a college education as a prerequisite for the Sergeant's
14 position. In fact, 3 Caucasian police officers of various ranks were promoted to Sergeant at that
15 time, none of whom held a college degree. Therefore, Plaintiff is informed and believes that the true
16 reason that Plaintiff was not promoted to Sergeant at that time was because he is Hispanic, of Cuban
17 ancestry, and because he was not Caucasian like the applicants who were promoted.

18 14. Lt. Rodriguez then finished college and obtained his bachelors degree from California
19 State University, Long Beach, and subsequently earned his masters degree from Woodbury
20 University. Ultimately, in May of 2006, Plaintiff was promoted to the rank of Lieutenant, making
21 him the first non-Caucasian officer who was promoted above the rank of Sergeant in the entire
22 history of the Burbank Police Department. The City of Burbank was incorporated in 1911.

23 15. In December 2006, in recognition of his good work, Lt. Rodriguez was assigned to
24 the Administrative Division/Community Outreach and Personnel Services ("COPS"). As the
25 Lieutenant in charge of COPS, Plaintiff was responsible for all hiring decisions at the Burbank PD.
26 Plaintiff was informed that Defendant COB had instructed the Burbank PD to increase the number of
27 "diversity candidates" hired. At the Burbank PD, the term "diversity candidate" simply meant
28 "Black candidate" or "Latino Candidate," but did not include "Gay candidate." As a result, Lt.

1 Rodriguez began to increase the number of "diversity candidates," both sworn officers and civilian
2 personnel, hired by the Burbank PD.

3 16. During his tenure at the Burbank PD, Plaintiff Lt. Rodriguez has received dozens of
4 commendations and awards for his good performance, from citizens, businesses and law
5 enforcement agencies, among others, and has received the highest ranking possible ranking ("O" for
6 "Outstanding") on each and every performance evaluation he received over the past decade. Further,
7 Lt. Rodriguez has received the following honors and awards while working for the department:

- 8 a. Officer of the Year - Burbank Police Department, Nominated 2009;
- 9 b. National Award for Outstanding OCDETF Investigation - United States
10 Attorney General, Washington, D.C., 2007;
- 11 c. Rex Andrews Police Scholar Award - Burbank Police Department 2006; .
- 12 d. Officer of the Year - Burbank Police Department, Nominated 2005;
- 13 e. Professional Esteem Award - Burbank Police Department 2004;
- 14 f. Appreciation Award - Federal Bureau of Investigation 2002;
- 15 g. Chief's Citation - Long Beach Police Department 2002;
- 16 h. Appreciation Award - Federal Bureau of Investigation 2001;
- 17 i. Appreciation Award - Drug Enforcement Administration 2000;
- 18 j. Narcotic Officer of the Year - Alfred E. Stewart Memorial Award,
19 California Narcotic Officers' Association, Region III 1999;
- 20 k. Professional Esteem Award - Burbank Police Department 1998;
- 21 l. Professional Esteem Award - Burbank Police Department 1997; and
- 22 m. Professional Esteem Award - Burbank Police Department 1994.

23 17. When Plaintiff began at COPS, the hiring rate for "diversity candidates" was well
24 below 15%. The majority of the "diversity candidates" previously hired by the Burbank PD were
25 Hispanic, with only three (3) African-American officers on the force at that time. Only a few of the
26 Hispanic employees even spoke Spanish. They all had Hispanic surnames, but many were second or
27 third generation Americans who, in large part, had been Anglicized. All of the African-American
28 officers hired by Defendants COB and the Burbank PD were generally raised in Caucasian

1 communities, and spoke the English language without using diction or slang commonly stereotyped
2 as originating in poorer African-American neighborhoods or ghettos. Further, each and every one
3 of the African-American officers hired by the Burbank PD had a Caucasian wife or a Caucasian
4 girlfriend.¹ At the time, the Burbank PD had an undocumented but very real policy that to be
5 acceptable, minority candidates must be "white enough" - which as a matter of course excluded all
6 "ghetto" or "ethnic"² African-American candidates, as well as all Spanish-speaking Hispanic
7 candidates.

8 18. Since Lt. Rodriguez was assigned to COPS, and under Plaintiff's direct supervision,
9 the hiring rate of minority and women candidates at the Burbank PD has risen above 80% over all,
10 which Plaintiff is informed is more representative of the applicant pool and also of the general
11 population in the greater Los Angeles area. Recently, Lt. Rodriguez hired an openly gay female
12 police officer, which decision was criticized by the Burbank PD solely on the basis of the candidate's
13 sexual orientation. In response to Plaintiff's hiring of more minority and female applicants, as well
14 as an openly gay candidate, he was subjected to threats and intimidation by various members of the
15 Burbank PD. These threats include, without limitation, a specific threat that certain offending
16 officers would do whatever was necessary to see that Plaintiff was terminated "in disgrace" from his
17 position at the Burbank PD, and to ensure that Lt. Rodriguez would never be able to work in law
18 enforcement in the future.

19 19. During Plaintiff's tenure in COPS, between December, 2006, and the present, he
20 observed numerous incidents of race based, gender based, or other wrongful discrimination,
21 harassment and retaliation at the Burbank PD. Further, Plaintiff received numerous credible reports,

22
23 ¹ The identity and racial makeup of each applicant's spouse or girlfriend was
24 disclosed to the Burbank PD during the extensive "pre-application" background
25 investigation.

26 ² The terms "ghetto" and "ethnic" were used interchangeably with "Black" and
27 sometimes "Nigger" when referring to suspects, and were also used as racial insults and
28 epithets towards the African-American police officers on the force.

1 from both sworn officers and civilian employees of Defendants COB and the Burbank PD, of the
2 same type of wrongful conduct. Plaintiff reported each of the incidents to his supervisors, Chief of
3 Police Tim Stehr ("Chief Stehr") among them, and, by and large, no corrective action was taken
4 against any of the wrongdoers. Specifically, by way of example, only, and not by way of limitation,
5 the wrongful conduct included, among other things, the following:

6 a. In or about January, 2007, which coincided with the first "police recruit" test
7 under Lt. Rodriguez's supervision, Plaintiff was informed by a Detective involved
8 with the hiring decisions at COPS that the Detective would refuse to hire any female
9 applicants, regardless of qualifications, and that he would strongly resist Lt.
10 Rodriguez's attempts to hire any female applicants. Plaintiff immediately verbally
11 admonished the Detective, and informed him that under Plaintiff's supervision, the
12 Burbank PD would hire the most qualified candidates; regardless of gender. Plaintiff
13 reported the incident to Chief Stehr, who was then the Deputy Chief. To Plaintiff's
14 knowledge, Chief Stehr ignored the report, and the offending Detective did not
15 receive formal discipline or remedial training of any kind.

16 b. During another "police recruit" testing process, a different Detective
17 intimidated a female applicant (who was then the top ranked applicant of any gender),
18 causing her to withdraw from the testing process "in lieu of disqualification" which
19 was threatened by the Detective in charge of the applicant. Upon reviewing the
20 candidate's file, Plaintiff discovered that no grounds existed at the time to disqualify
21 the female applicant. Plaintiff brought this to the attention of the applicant and
22 invited her to rejoin the testing process. The applicant, however, declined the offer -
23 stating that she was uncomfortable with the gender bias at the Burbank PD. The
24 applicant is now a sworn officer in good standing at a different police department.
25 Plaintiff reported the wrongful conduct to Chief Stehr, but the offending Detective did
26 not receive any formal discipline or remedial training as a result.

27 c. Additionally, a different Detective intimidated an Asian-American applicant
28 during the "police recruit" testing process, again threatening to disqualify the

1 applicant (and greatly hinder the applicant's chance to ever earn a career in law
2 enforcement) unless the applicant withdrew from the process. Once again, upon a
3 review of the file, Plaintiff discovered that no grounds existed at the time to disqualify
4 the Asian-American applicant. Plaintiff reported the offending Detective to Chief
5 Stehr, but the offending Detective did not receive any formal discipline or remedial
6 training as a result of his actions. Nevertheless, Plaintiff contacted the Asian-
7 American applicant, informed him of the error, and invited him to return and
8 complete the testing process. The applicant was successful (under the supervision of
9 a different Detective) and is currently serving as a sworn officer for the Burbank PD.

10 d. Lt. Rodriguez has personally been called names throughout his tenure at the
11 Burbank PD which exhibited a race-based animus or discriminatory intent towards
12 him, including without limitation, "Paco," "Julio," "wet-back," "beaner," and "taco
13 vendor." Certain Burbank police officers have, at times, called him "Mexican,"
14 though they knew Plaintiff is of Cuban ancestry. Plaintiff expressed his displeasure to
15 each officer who used the above-described language, and reported same to his
16 superiors. Plaintiff is informed and believes that no corrective action was ever taken
17 in response to any of his complaints of this nature. Furthermore, on at least one
18 occasion, Plaintiff was instructed by fellow officers that it was common knowledge
19 that a certain sworn Burbank PD officer would be less vigorous in providing
20 assistance to a fellow officer who was Hispanic than to a fellow officer who was
21 Caucasian, even in potentially life threatening situations, and to "be careful."

22 e. Throughout his tenure, Plaintiff has also heard and observed the use of racial
23 epithets and other offensive language based on race, national origin, gender and
24 sexual orientation, among other things, towards suspects, the general population at
25 large, and to other officers and civilian personnel of Defendants Burbank PD and
26 COB. Such language included, by way of example, the words "nigger," "Bosco,"
27 "Malcom X," "Mexicans" (regardless of actual country of origin), "taco truck
28 drivers," "fags," "dykes," "homos," "lezbo" (to heterosexual women), "wetback

1 gangsters," "beaners," and "spics," to name a few.

2 Additionally, numerous insults specific to those of Armenian ancestry were
3 routinely used, including without limitation, "Armo's," "salvaged title" (i.e. "He is
4 'salvaged title'" - referring to a stereotype that Armenian people drive expensive cars
5 that have salvaged title), "Four C's" (referring to 4 words beginning with the letter
6 "C" which stereotypically (according to some) describe all Armenians - the list tends
7 to vary, but usually contains at least a few of the following: "cars," "chains," "cell
8 phones," "cologne," and "cigarettes"), and "towel heads."

9 As a standardized method of describing unidentified persons (most often
10 involving unidentified dead bodies) it is general law enforcement practice to refer to
11 male persons as "John Doe," while females as "Jane Doe." At the Burbank PD,
12 however, unidentified Hispanic males are routinely referred to as "Juan Doe," while
13 unidentified African American males are referred to as "Tyrone Doe."

14 On each occasion when Plaintiff either observed such an incident, or when
15 Plaintiff received a credible report of such conduct, Plaintiff lodged a complaint with
16 his superiors at the Burbank PD and COB, including without limitation, Chief Stehr.
17 In response to almost all of the above-described complaints, Defendants COB and the
18 Burbank PD refused to take any corrective action against the individual(s) who
19 engaged in the above-described behavior. Which is unsurprising, considering Chief
20 Stehr recently opined in front of over two dozen officers at a management team
21 meeting on or about November 6, 2008, that, in sum and substance, "I remember a
22 time when it was okay to use the word nigger around here, but times have changed."

23 f. It should also be noted that, as of the date of the filing of the within complaint,
24 no African-American employee in the entire history of the Burbank PD has ever been
25 promoted above the title of "police officer." No African-American detectives. No
26 African-American sergeants. No African-American Lieutenants or Captains. Never.

27 20. As a result of Lt. Rodriguez's reformation of the hiring process (i.e. hiring the most
28 competent, regardless of race, gender, etc.), and in equally large part because of Plaintiff's persistent

1 demands to his superiors (including Chief Stehr) to discipline the officers engaging in the above-
2 described harassment, discrimination and retaliation, among other things, Plaintiff has been advised
3 by several different employees of Defendants Burbank PD and COB, that certain officers were
4 planning and conspiring to retaliate against Plaintiff in ways including, without limitation, by making
5 false accusations of unlawful conduct against him.

6 21. In furtherance of the above-described plan or conspiracy to retaliate against Lt.
7 Rodriguez, on or about April 26, 2008, Plaintiff is informed that a formal complaint was filed
8 against Lt. Rodriguez for purportedly using unreasonable force during the arrest of a robbery suspect.
9 The formal complaint was filed against Plaintiff even though Burbank PD records revealed that he
10 was not on duty on the day in question, and did not take any part in the arrest. Because the
11 information which exonerated Plaintiff was always in the possession of the Burbank PD, Plaintiff
12 believes that Defendant COB and the Burbank PD had constructive notice of Plaintiff's innocence,
13 such that the formal complaint could only have been filed with malicious intent, and for a retaliatory
14 purpose.

15 22. A few weeks later, and after learning that Plaintiff was not on duty on the day of the
16 above-described arrest, the focus of the investigation was changed to center around Lt. Rodriguez's
17 conduct in connection with a subsequent investigation of a robbery associated with the above-
18 described arrest. It should be noted that the alleged improper conduct occurred approximately 4
19 months before the first formal complaint was filed, which is extremely unusual. Plaintiff is informed
20 that the allegations leveled at him were based on rumor and innuendo, with no actual witnesses or
21 other evidence of any kind. Further, Plaintiff was only peripherally involved in the investigation for
22 a few hours, at most, and a prior inquiry into the conduct of all of the officers involved was closed
23 with no finding of impropriety. On or about September 24, 2008, Plaintiff was informed in writing
24 that the revised allegations made against him were not sustained.

25 23. Most recently, on April 15, 2009, Plaintiff Lt. Rodriguez was placed on
26 administrative leave in retaliation for complaining of the improper relationship between Chief Stehr
27 and the Burbank Police Officer's Association ("BPOA"), the police officer's union, and the resulting
28 failure to curb improper race based, gender based, or other wrongful discrimination, harassment and

1 retaliation at the Burbank PD. Plaintiff is informed and believes that Chief Stehr is beholden to the
2 BPOA for their critical support which resulted in Chief Stehr's promotion to Chief of Police.
3 Plaintiff is informed and believes that the Burbank City Council ("Burbank CC") was reluctant to
4 promote Chief Stehr due to several incidents earlier in his career where he was disciplined. Plaintiff
5 is further informed that without the support of the BPOA, Chief Stehr would not have been
6 promoted. As a result, Plaintiff believes that Chief Stehr has been forced to "repay" the debt to the
7 BPOA in a number of ways including, without limitation, (a) the appointment of BPOA members to
8 coveted positions within the Burbank PD, regardless of qualifications; and (b) the steadfast refusal to
9 eliminate the pervasive racial bias, gender bias, and other discriminatory or otherwise wrongful
10 conduct within the department, or to discipline the offending employees.

11 24. On April 15, 2009, Plaintiff complained to a BPOA board member about the above-
12 described cronyism and failure to pursue discipline, and informed him and other members of the
13 BPOA that he was unwilling to continue to stand silently by while good, honest people within the
14 department were being harmed. This is because Defendants Burbank PD and COB were not only
15 engaging in discriminatory conduct against minorities, women and gays, but were now severely
16 punishing officers who reported the misconduct and who were attempting to reform the Burbank PD.

17 25. Deputy Chief Bill Taylor ("Cpt. Taylor") was one such person. He was intolerant of
18 the pervasive racial bias, gender bias, and other discriminatory or otherwise wrongful conduct within
19 the department, as described above, and campaigned hard for reform. Cpt. Taylor pressed for formal
20 disciplinary action to be taken against Defendants for their inappropriate treatment of minorities,
21 women and gays as more fully described above. Plaintiff is informed that this put Cpt. Taylor at
22 odds with the BPOA and, therefore, Chief Stehr.

23 26. Plaintiff believes that Chief Stehr on behalf of Defendants COB and the Burbank PD,
24 along with board members of the BPOA, conspired and agreed to retaliate against Cpt. Taylor for his
25 support of the minorities, women and gays in the department, among other things. In furtherance of
26 this conspiracy, Chief Stehr and the BPOA agreed to wrongfully place the blame for recent
27 departmental troubles squarely on the shoulders of Cpt. Taylor, for the purpose of ruining his career
28 and preventing him from becoming Chief of Police after Chief Stehr. When Plaintiff Lt. Rodriguez

1 learned of this, on April 15, 2009, he confronted members of the BPOA board and lodged a
2 complaint as described above. The very next day, Plaintiff was informed that he had been demoted
3 from his position at COPS and returned to patrol, though he remains on administrative leave as of
4 the date of the filing of the within Complaint.

5 27. Within 2 hours after meeting with the BPOA, as described above, Plaintiff was
6 suspended and placed on administrative leave in connection with an investigation into his work
7 performance. Plaintiff believes that this investigation is being conducted by the Los Angeles County
8 Sheriff's Department's ("LASD"), Internal Criminal Investigation Bureau, as requested by Chief
9 Stehr. Plaintiff further believes that Chief Stehr has a personal relationship with the LASD
10 investigating officer, and that Chief Stehr improperly used his influence to initiate the investigation.
11 Plaintiff is informed that the investigation concerns matters which have previously been reviewed
12 and cleared by Defendants COB and the Burbank PD. Plaintiff believes that the Chief Stehr
13 instigated the investigation in retaliation for the complaints lodged by Lt. Rodriguez, among other
14 things, as more fully described above.

15 28. Cpt. Taylor also suffered from retaliatory conduct, as on May 4, 2009, Chief Stehr
16 eliminated the Deputy Chief position entirely, purportedly to "have more direct control of the
17 organization." Plaintiff is informed that the true facts were that Chief Stehr eliminated the Deputy
18 Chief position because he was under fire from the Burbank CC for ongoing "diversity issues,"³ and
19 was likely to be removed prior to the expiration of his contract. The board members of the BPOA
20 including, without limitation, Defendant Parrinello, did not want Cpt. Taylor to succeed Chief Stehr,
21 as Cpt. Taylor owed them nothing and would put a stop to their shenanigans. Therefore, Plaintiff
22 believes that the BPOA called in favors from Chief Stehr and threatened a "no confidence" vote to
23 get Chief Stehr to demote (then) Deputy Chief Taylor back to Captain. Plaintiff is informed that the
24 BPOA board members believe that the board has enough influence with the Burbank CC to nominate
25 a different person for Chief of Police (someone beholden to the BPOA) upon Chief Stehr's
26 impending departure, now that Cpt. Taylor is no longer the Deputy Chief.

27
28 ³ These "diversity issues" are identical to those alleged in this complaint.

1 29. When a police department punishes its officers who report misconduct, as
2 hereinabove described, it leads to a pattern and practice of officers keeping quiet so they will not be
3 the victims of harassment, discrimination or retaliation, demotion or termination. When good police
4 officers are thus intimidated, and when the supervisory officers are silenced or otherwise dealt with,
5 corruption can then occur - harming all persons within the City of Burbank, as well as those in the
6 greater Los Angeles area. By taking this courageous stand, Plaintiff Lt. Rodriguez has suffered
7 retaliation which is currently jeopardizing his position with the Burbank PD, and threatens to stain
8 the remainder of his career as well as his history of outstanding public service. Plaintiffs Guillen,
9 Karagiosian, E. Rodriguez and Childs are similarly situated in this regard. For these reasons, as well
10 as others set forth below, Plaintiffs are seeking injunctive relief to prevent further discrimination and
11 retaliation from occurring throughout the pendency of this action.

12 30. On May 27, 2009, Plaintiff Lt. Rodriguez filed a Complaint for discrimination,
13 harassment and retaliation, among other things, with the California Department of Fair Employment
14 and Housing ("DFEH") and, on that same date, received a "Notice of Case Closure," and "Right to
15 Sue Notice," true and correct copies of which are attached, collectively marked as Exhibit "A," and
16 are incorporated herein by this reference as though fully set forth at length. Lt. Rodriguez has also
17 filed a Governmental Claim Form with the City of Burbank, which was denied on July 10, 2009.
18 True and correct copies of the Governmental Claim Form filed by Lt. Rodriguez and COB's denial
19 of claim are attached, collectively marked as Exhibit "B," and are incorporated herein by this
20 reference as though fully set forth at length.

21 **B. Plaintiff Cindy Guillen-Gomez ("Officer Guillen")**

22 31. Officer Guillen was hired by Defendants Burbank PD and COB as a police officer on
23 January 10, 2000. Plaintiff Guillen was the first Hispanic female ever to be hired by the Burbank PD
24 and/or COB as a police officer. At all times during her tenure at the Burbank PD, Plaintiff
25 performed her duties in a professional and competent manner.

26 32. Officer Guillen has personally been called names throughout her tenure at the
27 Burbank PD which exhibited a race-based animus, sex-based animus, or discriminatory intent
28 towards her, including without limitation, "wet-back," "beaner" and "spic," by way of example. Her

gender was also the subject of unwelcome and derogatory comments including, without limitation, "bitch," "whore" and "cunt," among others. She has also heard and observed the use of racial epithets and other offensive language based on race, national origin, gender and sexual orientation, among other things, towards suspects, the general population at large, and to other officers and civilian personnel of Defendants Burbank PD and COB. Such language included, by way of example, the words "nigger," "fags," "homos," and "beaner gangsters," to name a few. Plaintiff has also heard and observed numerous insults specific to those of Armenian ancestry, such as "salvaged title" and the "Four C's." Plaintiff reported each of the incidents to her supervisors, some on multiple occasions, but she is informed that no corrective action was taken against any of the wrongdoers.

33. Plaintiff Guillen experienced additional harassment on the basis of her sex, gender and marital status during her tenure with the Burbank PD. Immediately after the date of her marriage, rumors began circulating that she was pregnant and that was the only reason why she married her husband. This was false, as Plaintiff did not get pregnant for over 1 ½ years after she was married. By way of further example, a supervisory police officer said in Plaintiff's presence that women had "no business being detectives," and other officers have opined that "all the women in the (Burbank PD) are worthless," and that "women" should be assigned to parks management, so as not to fill the patrol positions with "useless" officers. One of the more brash officers in the Burbank PD forcefully told Plaintiff to be quiet, "before I bend you over and fuck you in the ass." Plaintiff reported each of these incidents to her supervisors, except when her supervisors were involved, and on those occasions she believed that reporting the incidents would have been futile. Plaintiff is informed and believes that no corrective action was ever taken against any of the officers who engaged in the above-described conduct.

34. The wrongful race-based, gender-based, and otherwise discriminatory conduct was not limited to verbal harassment. On one occasion, Plaintiff was on foot and was struck by a moving vehicle in a crosswalk during a pursuit. Even so, Officer Guillen apprehended the suspects. An inquiry by the Burbank PD safety committee resulted in a finding that Plaintiff was not at fault for the impact. Nevertheless, Plaintiff was given a letter of reprimand for "carelessness" in discharging

1 her duties - a punishment equivalent to that given an officer who had "carelessly" caused an
2 automobile accident and damaged a patrol vehicle. Plaintiff is informed that the letter of reprimand
3 was retaliatory in nature, resulting from her complaints of harassment and discrimination as
4 described above. Furthermore, Plaintiff believes that the punishment would not have been given to a
5 Caucasian male under the same circumstances.

6 35. Officer Guillen was also passed over for promotion to Detective, and is informed and
7 believes that her failure to be promoted was due to the pervasive gender and racial bias at the
8 Burbank PD and COB. Specifically: Plaintiff took the Detective's examination at the same time as
9 Burbank PD Officer Mike Parrinello, and was ranked fifth of all officers taking the examination, and
10 Defendant Parrinello was ranked eighth. Nevertheless, Officer Parrinello was promoted to Detective
11 in favor of Plaintiff, even though he was less qualified at the time.

12 36. In or about October 2007, Officer Guillen learned that she was pregnant. Plaintiff is
13 informed that, at the time, she was the first pregnant police officer at the Burbank PD in nearly 20
14 years. On or about November 26, 2007, Plaintiff Guillen was placed on "light duty" by her doctor,
15 and provided written confirmation of same to Defendants Burbank PD and COB. That same day,
16 when Plaintiff reported for duty, she was ordered (over her objection) to reveal her pregnancy to
17 everyone in the department during "roll call" that day. At that time, she was subjected to
18 impermissible, non-job related inquiries from her supervisors and coworkers concerning her
19 pregnancy and marital relationship. Further, Plaintiff was ridiculed for becoming pregnant, and was
20 the subject of inappropriate and sexist comments including, without limitation, "Women just aren't
21 what they used to be. I remember when they would wait until they were about 6 months pregnant
22 before they even said anything." The verbal harassment continued throughout her pregnancy and, at
23 one point, Plaintiff was even reprimanded because she was purportedly not in compliance with
24 departmental policies due to her improper "height to weight ratio."

25 37. A few weeks later, Plaintiff learned that the policies of Defendants COB and the
26 Burbank PD concerning maternity leave had been changed on or about December 17, 2007. Most
27 importantly, the policy change allowed Defendants COB and the Burbank PD to deplete a pregnant
28 officer's entire cache of paid time off ("PTO") during her maternity leave, including without

1 limitation, the pregnant officer's earned vacation days and earned sick days. Prior to the change, the
2 officer's PTO would have been frozen as of the first date of the maternity leave, and would not be
3 utilized for any purpose until after the officer returned from maternity leave. At that time, Plaintiff
4 Guillen had in excess of 800 PTO hours on the books, and stood to lose in excess of \$15,000.00, or
5 more, resulting from the above-described change in policy. Plaintiff believes that the policy change
6 was implemented in response to her being placed on "light duty" by her doctor, and was retaliatory
7 in nature.

8 38. As her pregnancy progressed, Plaintiff learned that her medical condition was tenuous
9 and that she would have difficulty carrying her baby to full term. Ultimately, on or about April 17,
10 2008, Plaintiff was placed on bed rest by her doctor through the remainder of her pregnancy. For the
11 first 60 days of her bed rest, Plaintiff was required to expend PTO hours as described above.
12 Thereafter, Plaintiff qualified for disability and filed for same with Defendants COB and the
13 Burbank PD, which request was initially granted. Days later, Plaintiff received notice that her
14 disability, which had previously been approved, had been denied. Plaintiff immediately attempted to
15 contact Defendant COB, but she was not allowed to speak with anyone concerning her disability.
16 She then contacted attorneys for the BPOA, and was told that there was nothing the union or its
17 attorneys could do for her problem.

18 39. Ultimately, after approximately 2 more weeks of trying, Plaintiff was finally able to
19 speak with someone in COB's human resources department concerning her disability, and the denial
20 of her claim. Plaintiff was informed that an agreement would be prepared for her review, which
21 would have the effect of restoring her disability status. Plaintiff Guillen was then placed back on
22 disability while the agreement was being prepared. The following week, Plaintiff's baby was born
23 approximately 1 month early - a healthy and happy baby girl.

24 40. A week or so after Plaintiff's daughter was born, she received the agreement the HR
25 Department of COB. The agreement actually turned out to be a settlement agreement and release of
26 all claims including, without limitation, claims of discrimination, harassment and retaliation under
27 the Fair Employment and Housing Act, among other claims. Plaintiff refused to sign the settlement
28 agreement, believing that a release of all claims was not appropriate for her to sign, as she had just

1 given birth prematurely and was not able to determine at that time whether the agreement was in her
2 best interests.

3 41. Later, Defendant COB began to pressure Plaintiff Guillen to sign the settlement
4 agreement. Plaintiff Guillen requested counsel to review the settlement agreement, but was told that
5 the BPOA's attorneys had already reviewed and approved of the document, as had the BPOA
6 president. Plaintiff refused to sign the agreement without consulting with an attorney, and requested
7 that the BPOA provide her with counsel. The BPOA president refused, stating that he had no power
8 to do so. Plaintiff later learned that the BPOA president actually could have authorized the use of a
9 BPOA attorney for this purpose. Plaintiff is informed and believes that the BPOA president's refusal
10 to assist her was improperly motivated by her race, gender and pregnancy. Plaintiff never signed the
11 settlement agreement, but remained on disability until approximately 7 weeks post partum.

12 42. When Plaintiff returned to work, she was not provided with a work schedule, which
13 was ordinarily provided to Burbank PD officers weeks in advance. This resulted in Plaintiff having
14 to call in on a daily basis to determine where and when to report for duty each day. This was
15 extremely disruptive for the new mother, particularly when she needed to schedule day care and plan
16 for emergencies in case her daughter fell ill. This lasted for a period of approximately 2 weeks.
17 Plaintiff is informed and believes that the Burbank PD/COB refused to provide her with a schedule
18 in retaliation for taking maternity leave, among other things.

19 43. As of the date of the filing of the Complaint, Plaintiff still has not been provided with
20 the training and access she requires to perform her duties as a police officer. Specifically, and
21 among other things, while Officer Guillen was on maternity leave, Defendants COB and the Burbank
22 PD updated the computer systems and hardware in the police cruisers with a new system and
23 hardware called Mobile Digital Technology ("MDT"). Though Plaintiff has requested training and
24 access to the MDT, Defendants Burbank PD and COB have failed and refused to provide her with
25 such access and training, despite the fact that she uses a police cruiser every day in the discharge of
26 her duties. Plaintiff believes that the above-described failure of Defendants COB and the Burbank
27 PD to provide the necessary training and access is discriminatory and retaliatory in nature, resulting
28 from her maternity leave and her complaints of harassment and discrimination, among other things,

as more fully described above.

44. Recently, in or about January, 2009, and as a result of the above-described discriminatory conduct, harassment and retaliation, among other things, Plaintiff Guillen applied for a transfer to the Newport Beach Police Department ("NBPD"). Plaintiff is informed that she initially passed the background check and polygraph test, but she believes that the process was delayed by Defendants Burbank PD and COB because of her race and gender, among other things, and in retaliation for taking maternity leave, pursuing her disability claims, and for asserting her lawful rights as hereinabove described, among other things. Plaintiff is informed that the NBPD background investigator has been wrongfully informed by Defendants that Plaintiff was a "cancer" in the Burbank PD, that Plaintiff was "bitter" and had "anger management" issues, and that Plaintiff was happiest when she became angry. Plaintiff is informed that the NBPD has therefore reopened its background investigation, and may not allow Plaintiff to transfer as a result of these statements.

45. On May 27, 2009, Plaintiff Officer Guillen filed a Complaint for discrimination, harassment and retaliation, among other things, with the California Department of Fair Employment and Housing ("DFEH") and, on that same date, received a "Notice of Case Closure," and "Right to Sue Notice," true and correct copies of which are attached, collectively marked as Exhibit "C," and are incorporated herein by this reference as though fully set forth at length. Plaintiff Guillen has also filed a Governmental Claim Form with the City of Burbank, which was denied on July 10, 2009. True and correct copies of the Governmental Claim Form filed by Officer Guillen and COB's denial of claim are attached, collectively marked as Exhibit "D," and are incorporated herein by this reference as though fully set forth at length.

C. Plaintiff Steve Karagiosian ("Officer Karagiosian")

46. Officer Karagiosian was hired by Defendants Burbank PD and COB as a police officer on July 20, 2004. Plaintiff Karagiosian transferred to the Burbank PD from the Orange County Sheriff's Department, having worked as a sworn deputy for approximately 4 ½ years. Plaintiff always performed his duties as a police officer in a professional and competent manner. In or about January, 2007, as a result of his hard work and accomplishments at the department, Plaintiff was promoted to the position of FTO. Plaintiff always performed his duties as an FTO in a

1 professional and competent manner.

2 47. On or about August 26, 2007, Officer Karagiosian took the examination for the SED,
3 and was selected and assigned to the SED on August 26, 2007. This is normally a three year
4 assignment. The team routinely is involved in serious, high risk, high-profile investigations. SED
5 worked a 5/40 or 4/10 schedule, depending on the date, with a substantial amount of overtime due to
6 the nature of the investigations (usually sixty to seventy, sometimes eighty hours a week). It is also
7 understood that SED is "on-call" 24 hours per day, 7 days per week ("24/7"). The SED is supposed
8 to be comprised of four Officers and one Sergeant, but in recent time has been understaffed. During
9 the last year, SED has been involved in the service of over 120 search warrants related to felony
10 crimes, and arrested numerous other felony suspects. During those incidents, a small percentage
11 resulted in the use of non-deadly force. All the incidents involving a use of non-deadly force have
12 been investigated and there has not been one instance where the use of force was determined to be
13 out of departmental policy. At all times during his tenure at the SED, Officer Karagiosian performed
14 his duties in a professional and competent manner.

15 48. During his tenure at the Burbank PD, Plaintiff Karagiosian has received numerous
16 commendations and awards for his good performance, and has received the highest ranking possible
17 ranking ("O" for "Outstanding") on each and every performance evaluation he received over the past
18 several years. Further, Plaintiff was recognized in 2007 as the "Officer of the Year" at the Burbank
19 PD.

20 49. In approximately August, 2008, Chief Stehr replaced the sergeant in charge of the
21 SED with a BPOA board member who had only 6 months of experience as a Detective, and who had
22 no previous SED experience. Since that time, there have been numerous untrue comments made by
23 certain officers that the SED is "dirty," "heavy handed," "SED beats suspects," and "plants dope."
24 These comments are being made by a group of approximately ten or so disgruntled officers and
25 supervisors, who are attempting to tarnish the reputation of both Plaintiff Karagiosian and Plaintiff
26 E. Rodriguez, among others. By the time the accusations get passed from officer to officer, they
27 have become very serious in nature. Third party officers who have overheard these comments have
28 made Plaintiff Karagiosian aware of what is being said by officers and civilian employees. Plaintiff

1 believes that he is a target of the above disgruntled officers because he is of Armenian descent and,
2 as more fully explained below, in retaliation for complaining of and opposing harassment and
3 discrimination in the department, among other things.

4 50. During Plaintiff Karagiosian's tenure at the Burbank PD, he was regularly subjected
5 to severe and pervasive, race-based or other wrongful harassment, discrimination and retaliation.
6 Plaintiff reported each of the incidents to his supervisors, but he is informed that no corrective action
7 was taken against any of the wrongdoers. Burbank PD Officers have made numerous offensive and
8 inappropriate race-based comments concerning Plaintiff's Armenian ancestry. By way of example,
9 and not by way of limitation, Officer Karagiosian was once told to show up for roll call in a "light
10 blue Sean John outfit," which was a race-based comment as Armenian men stereotypically wear one-
11 piece outfits. Officer Karagiosian was also asked whether he had purchased a Sean John outfit for
12 his son, who was then 4 months old. Others would routinely ask Officer Karagiosian if whether his
13 shoes, socks, or other article of clothing were "Armenian," and regularly called Officer Karagiosian
14 "Sarkis" at roll call, which was Plaintiff's middle name, to emphasize his ancestry. No other officer
15 was called by his or her middle name at roll call.

16 51. Plaintiff complained of this behavior to his supervisors each time it happened, but is
17 informed that no corrective action was ever taken, outside of a verbal reprimand for calling Plaintiff
18 "Sarkis." Following the reprimand, which Plaintiff believes was not genuine, the offending Officer
19 has exhibited hostile behavior towards him, and has refused to directly communicate with Plaintiff
20 either verbally or in writing. Despite complaints to his supervisors, the Officer was never
21 reprimanded for his conduct.

22 52. Another Officer even went so far as threaten Plaintiff Karagiosian's life. The Officer
23 in question is Caucasian, and is a personal friend of Chief Stehr. Plaintiff Karagiosian was regularly
24 subjected to verbal harassment from this Officer, and complained of each instance of discriminatory
25 conduct to his supervisors including, without limitation, Chief Stehr. In response to one of these
26 complaints, the the Officer pulled his duty weapon from his holster and pointed it at Officer
27 Karagiosian while in the station. Officer Karagiosian immediately complained to the Sergeant in
28 charge of the SED, and then met with a lieutenant to lodge a complaint for the life-threatening

1 behavior. When Chief Stehr was informed of his friend's conduct, Plaintiff is informed that he
2 immediately stated, "Well, that complaint will not be sustained." No corrective action was ever
3 taken against the Officer for his wrongdoing, not even for pointing a loaded weapon at Plaintiff
4 Karagiosian and threatening his life.

5 53. Over the past 18 months, and continuing until approximately March, 2009, Officer
6 Karagiosian observed racially-motivated derogatory comments targeting Armenians on a "white
7 board" in one of the duty rooms. Plaintiff Karagiosian reported this matter to Plaintiff Lt.
8 Rodriguez, who reported same to his superiors. In response, Chief Stehr ordered that no
9 investigation into the matter was to be conducted, and further ordered that the offending officers
10 simply be given a "comment card," the absolute lowest form of written discipline under the policies
11 of the Burbank PD. Chief Stehr ignored Lt. Rodriguez's objections to this resolution, which was
12 wholly inappropriate considering the severity and extremely offensive nature of the statements on the
13 white board.

14 54. Plaintiff was unsatisfied with this outcome, but was told by one of his supervisors to
15 drop the matter. "You don't want to be known as a trouble maker. You want to be known as the
16 best 'Armenian Cop' in the Department." Officer Karagiosian replied "I want to be the best cop in
17 the Department." The Lieutenant responded, "You gotta stop making these complaints. At some
18 point you lose credibility." "This problem has been going on for years and years, we are not going to
19 change the belief of the officers. This will continue and there is nothing we can do about it."
20 Plaintiff was informed that the only discipline imposed against the offending officers was that an
21 entry was made on a comment card that they should not engage in further conduct of this nature.

22 55. During his tenure at the Burbank PD, and continuing through the date of the filing of
23 this Complaint, Officer Karagiosian has personally been subjected to additional discriminatory
24 behavior and harassment based on his race and national origin. By way of example and not by way
25 of limitation, Officers openly, and in front of Burbank PD supervisors, make racially insensitive and
26 inflammatory statements to Plaintiff Karagiosian whenever an arrest is made of someone with an
27 Armenian surname, such as: "I just arrested your *sister* for prostitution" (if the suspect was a young
28 female), or "They arrested your *grandfather*, and he sure smells bad." Changes would be made to

1 the comment depending on the age and appearance of the suspect, and Plaintiff has been taunted that
2 his mother, cousin, father, uncle, nephew or niece had been arrested, simply because the suspect had
3 an Armenian surname. Certain Officers and supervisors laugh out loud at this "joke," whenever it is
4 used. Other times, Plaintiff has had compact discs of traditional Armenian music placed in his "in
5 box," and has suffered through the sly smiles and outright jeers which accompany his receipt of the
6 discs.

7 56. Plaintiff Karagiosian also observed numerous incidents of race based, gender based,
8 or other wrongful discrimination, harassment and retaliation at the Burbank PD. Plaintiff reported
9 each of the incidents to his supervisors, Chief Stehr among them, but Plaintiff is informed that no
10 corrective action was taken against any of the wrongdoers. Specifically, by way of example, only,
11 and not by way of limitation, Hispanics were commonly referred to by a number of derogatory terms,
12 including, without limitation, "gardeners," "taco truck drivers," "Julios," "taco vendors," "bean
13 bandits," "wetbacks," "mojados" (mo's were short for mojados), "chunties," and Armenians were
14 commonly called "Towel Heads" and references were made to the "Four C's." Others include,
15 without limitation, "It only takes one Armenian to fuck that one up." "Its April 24th (Armenian
16 genocide day), I going to go get my ticket quota today." And many other instances of offensive,
17 racially motivated hate speech. Again, no disciplinary action was taken against the offending
18 officers, despite Plaintiff's complaints to his supervisors of the improper conduct.

19 57. As more fully described above in Subsection "A" (Lt. Rodriguez), Plaintiff believes
20 that Chief Stehr has been forced to "repay" a debt to the BPOA for supporting him and assisting him
21 in obtaining the promotion to Chief of Police in a number of ways including, without limitation, (a)
22 the appointment of BPOA members to coveted positions within the Burbank PD, regardless of
23 qualifications; and (b) the steadfast refusal to eliminate the pervasive racial bias, gender bias, and
24 other discriminatory or otherwise wrongful conduct within the department, or to discipline the
25 offending employees.

26 58. On May 4, 2009, Chief Stehr eliminated the SED in its entirety, thereby effectively
27 demoting Plaintiff Karagiosian and Plaintiff E. Rodriguez. In its place, Chief Stehr created the
28 Special Problems Unit ("SPU"), which appears to be an identical unit to SED, but without the

1 minority officers (Karagosian and E. Rodriguez). Plaintiff was informed that the dissolution of the
2 SED in no way was the result of his performance, however, Plaintiff was not assigned to the SPU,
3 even though his 3 year commitment to SED had not ended. Plaintiff requested that he be allowed to
4 transfer to SPU and finish his 3 year term, but this request was denied. Plaintiff is informed that the
5 SED was dissolved in order to target him and Plaintiff E. Rodriguez, and to retaliate against them for
6 their staunch opposition to the pervasive harassment, retaliation and other discriminatory conduct as
7 more fully described herein, among other things. Plaintiff's removal from the SED has severely
8 tarnished his reputation, and has irreparably damaged his career advancement prospects.

9 59. On May 27, 2009, Plaintiff Officer Karagosian filed a Complaint for discrimination,
10 harassment and retaliation, among other things, with the California Department of Fair Employment
11 and Housing ("DFEH") and, on that same date, received a "Notice of Case Closure," and "Right to
12 Sue Notice," true and correct copies of which are attached, collectively marked as Exhibit "E," and
13 are incorporated herein by this reference as though fully set forth at length. Plaintiff Karagosian has
14 also filed a Governmental Claim Form with the City of Burbank, which was denied on July 10, 2009.

15 True and correct copies of the Governmental Claim Form filed by Karagosian and COB's denial of
16 claim are attached, collectively marked as Exhibit "F," and are incorporated herein by this reference
17 as though fully set forth at length.

18 **D. Plaintiff Elfego Rodriguez ("Officer E. Rodriguez")**

19 60. Officer E. Rodriguez was hired by Defendants Burbank PD and COB as a police
20 officer in or about June, 2004. Plaintiff always performed his duties as a police officer in a
21 professional and competent manner. In or about January, 2007, as a result of his hard work and
22 accomplishments at the department, Plaintiff was promoted to the position of FTO. Plaintiff always
23 performed his duties as an FTO in a professional and competent manner. In or about October, 2008,
24 in recognition of his hard work, Officer E. Rodriguez was assigned to the SED, supposedly for a 3
25 year term. At all times during his tenure at the SED, Officer E. Rodriguez performed his duties in a
26 professional and competent manner. In fact, during his tenure at the Burbank PD, Plaintiff E.
27 Rodriguez has received numerous commendations and awards for his good performance, and has
28 received the highest ranking possible ranking ("O" for "Outstanding") on each and every

1 performance evaluation he received over the past several years.

2 61. As an SED member, Plaintiff E. Rodriguez was subjected to the same conduct that
3 Officer Karagiosian suffered, as more fully described above. Specifically, by way of example and
4 not by way of limitation, Plaintiff was among the group led by an inexperienced BPOA board
5 member, and about which numerous untrue comments were made by disgruntled officers such as the
6 SED is "dirty," "heavy handed," and "plants dope," among other things. Plaintiff believes that he is
7 a target of the disgruntled officers because he is of Guatemalan descent and, as more fully explained
8 below, in retaliation for complaining of and opposing harassment and discrimination in the Burbank
9 PD, among other things.

10 62. During Plaintiff E. Rodriguez's tenure at the Burbank PD, he was regularly subjected
11 to severe and pervasive, race-based or other wrongful harassment, discrimination and retaliation.
12 Plaintiff reported each of the incidents to his supervisors, but he is informed that no corrective action
13 was taken against any of the wrongdoers. At the Burbank PD, there are approximately 165 sworn
14 police officers (including brass), only approximately 25 of whom are Hispanic. Many of the
15 Hispanic officers including, without limitation, Plaintiff E. Rodriguez, had Hispanic surnames, but
16 were second or third generation Americans who, in large part, had been Anglicized and did not speak
17 Spanish.

18 63. Specifically, by way of example, Defendant Frank has taunted Plaintiff E. Rodriguez
19 on numerous occasions by saying that Plaintiff "looks like the bad guys we chase." Officer E.
20 Rodriguez complained to Defendants Burbank PD and COB, but believes that no corrective action
21 was ever taken against the wrongdoers. Within two months of making the first of these complaints,
22 Officer E. Rodriguez tested for and scored highest on the aptitude test for the SWAT team.
23 However, and in retaliation for his complaints of discrimination and harassment, Plaintiff was not
24 promoted to the SWAT team.

25 64. Just like officer Karagiosian, Plaintiff E. Rodriguez also observed numerous incidents
26 of race based, gender based, or other wrongful discrimination, harassment and retaliation at the
27 Burbank PD. Plaintiff reported each of the incidents to his supervisors, Chief Stehr among them, but
28 Plaintiff is informed that no corrective action was taken against any of the wrongdoers. Specifically,

1 by way of example, only, and not by way of limitation, Hispanics were commonly referred to by a
2 number of derogatory terms, including, without limitation, "half-breed," "gardeners," "Julios," "taco
3 vendors," "wetbacks," "mojados," and Armenians were commonly called "Towel Heads" and
4 references were made to the "Four C's." Again, no disciplinary action was taken against the
5 offending officers, despite Plaintiff's complaints to his supervisors of the improper conduct.

6 65. As more fully described above in Subsection "A" (Lt. Rodriguez), Plaintiff is
7 informed that Chief Stehr has been forced to "repay" a debt to the BPOA for supporting him and
8 assisting him in obtaining the promotion to Chief of Police in a number of ways including, without
9 limitation, (a) the appointment of BPOA members to coveted positions within the Burbank PD,
10 regardless of qualifications; and (b) the steadfast refusal to eliminate the pervasive racial bias, gender
11 bias, and other discriminatory or otherwise wrongful conduct within the department, or to discipline
12 the offending employees.

13 66. On May 4, 2009, Chief Stehr eliminated the SED in its entirety, thereby effectively
14 demoting Plaintiff E. Rodriguez along with Plaintiff Karagiosian. In its place, Chief Stehr created
15 the SPU, which appears to be an identical unit to SED with the same operational goals. Plaintiff was
16 informed that the dissolution of the SED in no way was the result of his performance, however,
17 Plaintiff was not assigned to the SPU, even though his 3 year commitment to SED had not ended.
18 Plaintiff requested that he be allowed to transfer to SPU and finish his 3 year term, but this request
19 was denied. Plaintiff is informed that the SED was dissolved in order to target him and Plaintiff
20 Karagiosian, and to retaliate against them for their staunch opposition to the pervasive harassment,
21 retaliation and other discriminatory conduct as more fully described herein, among other things.
22 Plaintiff's removal from the SED has severely tarnished his reputation, and has irreparably damaged
23 his career advancement prospects.

24 67. On May 27, 2009, Plaintiff Officer E. Rodriguez filed a Complaint for discrimination,
25 harassment and retaliation, among other things, with the California Department of Fair Employment
26 and Housing ("DFEH") and, on that same date, received a "Notice of Case Closure," and "Right to
27 Sue Notice," true and correct copies of which are attached, collectively marked as Exhibit "G," and
28 are incorporated herein by this reference as though fully set forth at length. Plaintiff E. Rodriguez

1 has also filed a Governmental Claim Form with the City of Burbank, which was denied on July 10,
2 2009. True and correct copies of the Governmental Claim Form filed by E.. Rodriguez and COB's
3 denial of claim are attached, collectively marked as Exhibit "H," and are incorporated herein by this
4 reference as though fully set forth at length.

5 **E. Plaintiff Jamal Childs ("Officer Childs")**

6 68. Officer Childs was hired by Defendants Burbank PD and COB as a police officer in
7 or about February, 2004. Plaintiff always performed his duties as a police officer in a professional
8 and competent manner. Of the approximately 165 sworn officers at the Burbank PD, approximately
9 5 are African-American. Each of these officers has a Caucasian wife or a Caucasian girlfriend, as
10 does Plaintiff Childs. There are currently no African-American officers in the Burbank PD or COB
11 above the rank of "police officer," and Plaintiff is informed that there never has been a Black officer
12 promoted even one rank. Officer Childs has learned that the Burbank PD has an undocumented but
13 very real policy that "white is right," and to be acceptable, African-American candidates must be
14 "white enough."

15 69. During Plaintiff Childs's tenure at the Burbank PD, he was regularly subjected to
16 severe and pervasive, race-based or other wrongful harassment, discrimination and retaliation.
17 Specifically, by way of example and not by way of limitation, Plaintiff Childs once took a report of
18 criminal activity where a Black suspect was accused of swindling an elderly Hispanic man out of
19 approx \$30,000.00. Officer Childs turned in the report to his supervisor who opined, "Is this report
20 serious? Who in their right mind would give a **Black** guy a grand." The word "Black" was
21 emphasized by Plaintiff's supervisor. And Plaintiff's supervisor at the time made it very clear that
22 he had the power to adversely affect Officer Childs's prospects in the department, often making
23 negative statements about Plaintiff's performance in front of his peers, purportedly for "training
24 purposes." Plaintiff Childs is informed and believes, however, that these statements were made for
25 the purpose of demonstrating Plaintiff's powerlessness and susceptibility to unlawful manipulation.
26 The message was received. Plaintiff did not report this incident for fear of reprisals.

27 70. Officer Childs was also subjected to race-based discriminatory conduct and
28 harassment from Defendant Ryburn, among others. Specifically, upon meeting Plaintiff's wife, one

1 Officer verbally expressed his disbelief that Plaintiff Childs was married to an attractive "white
2 woman," and then became visibly upset - rolling his eyes and making a overly dramatic facial
3 expression of disgust (like he had eaten something rotten). Thereafter, Plaintiff Childs was followed
4 on numerous occasions, purportedly to "check up" on Plaintiff's performance. Such "check-ups" are
5 highly unusual at the Burbank PD, were not warranted for Plaintiff Childs in any case, and Plaintiff
6 believes that he was followed by a Burbank PD Officer solely because he is Black and is married to
7 an attractive "white woman."

8 71. Like his fellow Plaintiffs, Officer Childs observed numerous incidents of race based,
9 gender based, or other wrongful discrimination, harassment and retaliation at the Burbank PD.
10 Plaintiff reported each of these incidents to his supervisors, as they did not involve the above-
11 referenced supervisor, but Plaintiff is informed that no corrective action was taken against any of the
12 wrongdoers. Specifically, by way of example, only, and not by way of limitation, Armenians were
13 referred to as "smelly towels," all Hispanics as "Mexicans," regardless of national origin, "once you
14 go Black, you never go back," and other offensive speech. Plaintiff once served a warrant on a
15 famous rapper. When asked why, one Officer interjected that Plaintiff was needed for "translation."
16 This was said in front of at least 2 supervisors, but nothing was ever done to punish the offending
17 officer as he was a friend of Chief Stehr. Plaintiff has also been informed that other racially
18 motivated statements were made about him including, "I remember when we didn't hire people like
19 him." and "Who let the Black guy in?" To the best of Plaintiff's knowledge, no corrective action
20 was ever imposed against the individuals engaging in the discriminatory and other practices.

21 72. On May 27, 2009, Plaintiff Officer Childs filed a Complaint for discrimination and
22 harassment, among other things, with the California Department of Fair Employment and Housing
23 ("DFEH") and, on that same date, received a "Notice of Case Closure," and "Right to Sue Notice,"
24 true and correct copies of which are attached, collectively marked as Exhibit "I," and are
25 incorporated herein by this reference as though fully set forth at length. Plaintiff Childs has also
26 filed a Governmental Claim Form with the City of Burbank, which was denied on July 10, 2009.
27 True and correct copies of the Governmental Claim Form filed by Lt. Rodriguez and COB's denial
28 of claim are attached, collectively marked as Exhibit "J," and are incorporated herein by this

1 reference as though fully set forth at length.

2 **FIRST CAUSE OF ACTION**
3 ***(Wrongful Discrimination in Violation Government Code Section 12940,***
4 ***Subsections (a) and (c) Against Defendants City of Burbank,***
5 ***Burbank Police Department, and DOES 1 Through 100, Inclusive)***

6 73. Plaintiffs repeat and re-allege by this reference each and every allegation contained in
7 the General Allegations, paragraphs 1 through 72, and incorporate the same herein as though fully
8 set forth at length.

9 74. Plaintiffs Lt. Rodriguez, Officer Guillen, Officer Karagiosian, Officer E. Rodriguez
10 and Officer Childs, and each of them, were employed by Defendants COB, Burbank PD and DOES 1
11 through 100, and each of them (hereinafter sometimes collectively referred to as the "Burbank PD
12 Defendants"), during the times and in the positions which are described with more particularity,
13 above. At all times herein mentioned, each Plaintiff was performing competently in his or her
14 respective positions within the Burbank PD.

15 75. While working for the Burbank PD Defendants, and each of them, as more fully
16 described above in the General Allegations, Plaintiffs were subjected to discrimination and
17 discriminatory policies, practices and procedures based upon race, ancestry, national origin,
18 sex/gender, marital status, and pregnancy, among other things. The discriminatory practices
19 included, by way of example and not by way of limitation:

- 20 a. The consistent and pervasive use of racial epithets and other racially
21 inflammatory or otherwise inappropriate language, such as "nigger," "Paco,"
22 "Armos," "Lezbo," and "wetback," as more fully described above;
- 23 b. Scrutinizing Plaintiffs' work more carefully than Caucasian officers, for no
24 reason other than race, ancestry, national origin, sex/gender, marital status, and
25 pregnancy, among other things;
- 26 c. Requiring all minority employees, including Plaintiffs, to be just "white
27 enough" to satisfy Defendants' bigotry. This included, as more fully described above,
28 and without limitation, a policy, practice and/or procedure that resulted in the hiring
of Black officers only if they had White wives or girlfriends, and the hiring of only

anglicized Hispanic officers, approximately half of whom do not even speak Spanish;

d. Causing false charges to be filed against certain Plaintiffs, including initiating personal complaints, or claims of misconduct against them; among other things as more fully described above;

e. Failing to properly investigate claims of harassment, discrimination and retaliation, and the additional failure to appropriately impose discipline on the offending employees;

f. Refusing to promote each Plaintiff in accordance with each Plaintiff's demonstrated abilities as more fully described above. Instead, the Burbank PD Defendants had a policy, practice and/or procedure which made it more difficult, if not impossible, for minorities, women and gays, among others, to obtain promotions, regardless of their competence. This includes, without limitation, the Burbank PD Defendants' failure to promote a single African-American police officer above the rank of "officer" in the entire history of the Burbank PD; and

g. Attempting to terminate, demote, or otherwise discipline Plaintiffs, among other things, as more fully described above.

76. These discriminatory practices, as well as those described in the General Allegations, above, created a hostile work environment in which minorities, females, gays and the disabled, among others, were subjected to disadvantageous terms, conditions, and/or privileges of employment, based not on the content of their character, but on the color of their skin, their ancestry, their gender and/or sexual orientation, among other things. This hostile working environment adversely affected each and every officer in the Burbank PD, regardless of color, race or gender, and has caused a rift in the Burbank PD between those officers who treat minorities and women the same as Caucasian males, and those who wish to discriminate and cultivate favoritism.

77. Government Code section 12940(a) embodies fundamental, substantial, and well-established public policies of the State of California. By engaging in the discriminatory activities and by maintaining the discriminatory policies, practices and procedures more fully described above, the Burbank PD Defendants violated Government Code section 12940(a), and the fundamental,

1 substantial, and well-established public policies embodied therein, such that an injunction should
2 properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner
3 set forth below.

4 78. Government Code section 12940(c) embodies fundamental, substantial, and well-
5 established public policies of the State of California. By engaging in the discriminatory activities and
6 by maintaining the discriminatory policies, practices and procedures more fully described above, the
7 Burbank PD Defendants violated Government Code section 12940(c), and the fundamental,
8 substantial, and well-established public policies embodied therein, such that an injunction should
9 properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner
10 set forth below.

11 79. Plaintiffs are informed and believe and based thereon allege that in addition to the
12 practices enumerated above, Defendants, and each of them, have engaged in other practices in
13 violation of the Fair Employment and Housing Act, including Government Code section 12940,
14 which are not yet fully known. At such time as said practices become known, Plaintiffs will seek
15 leave of Court to amend this Complaint in that regard.

16 80. The Burbank PD Defendants' wrongful conduct as described above, unless and until
17 enjoined and restrained by order of this Court, will cause great and irreparable injury to each of the
18 Plaintiffs. Specifically, Plaintiff's are all reliant upon each individual Defendant for their physical
19 safety while on the job, and likewise upon the greater policies, practices and procedures of the
20 Burbank PD. Unless Defendants are restrained from continuing their practice of discrimination and
21 retaliation, each Plaintiff's career and reputation will likely be damaged or destroyed, and Plaintiffs
22 may be placed in an untenable situation where he or she must rely upon the actions of a named
23 Defendant herein to avoid life-threatening injury. Therefore, Plaintiffs have no adequate remedy at
24 law for the injuries currently being suffered and threatened to be suffered, such that an injunction
25 should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants.

26 81. As a direct and proximate result of Defendants and each of their willful, knowing, and
27 discriminatory acts, omissions, policies, practices and procedures, and failure to take all reasonable
28 steps necessary to prevent discrimination as herein described, Plaintiffs have suffered and will

1 continue to suffer pain, extreme and severe mental anguish and emotional distress. Plaintiffs have
2 incurred and will continue to incur medical expenses for treatment by health professionals, as well as
3 for other incidental expenses. Plaintiffs have suffered and will continue to suffer loss of earnings and
4 other employment benefits and job opportunities. Plaintiffs are thereby entitled to general and
5 compensatory damages in amounts according to proof.

6 82. As a further direct and proximate result of Defendants, and each of their violations of
7 Government Code section 12940, subsections (a) and (c), as more fully described above, Plaintiffs
8 have been compelled to retain the services of counsel in an effort to enforce the terms and conditions
9 of the employment relationship with Defendants, and has thereby incurred, and will continue to
10 incur, legal fees and costs, the full nature and extent of which are presently unknown to Plaintiffs,
11 who therefore will seek leave of Court to amend this Complaint in that regard when the same shall
12 be fully and finally ascertained. Plaintiffs request that attorneys' fees and expert witness fees be
13 awarded pursuant to Government Code section 12965.

14 **SECOND CAUSE OF ACTION**

15 ***(Wrongful Harassment in Violation of Government Code***
16 ***Section 12940, Subsections (a), (d) and (f) Against Defendants City of***
Burbank, Burbank Police Department, and DOES 1 Through 100, Inclusive)

17 83. Plaintiffs repeat and re-allege by this reference each and every allegation contained in
18 the General Allegations, paragraphs 1 through 72, and incorporate the same herein as though fully
19 set forth at length.

20 84. Plaintiffs Lt. Rodriguez, Officer Guillen, Officer Karagiosian, Officer E. Rodriguez
21 and Officer Childs, and each of them, were employed by the Burbank PD Defendants, during the
22 times and in the positions which are described with more particularity, above. At all times herein
23 mentioned, each Plaintiff was performing competently in his or her respective positions within the
24 Burbank PD.

25 85. While working for the Burbank PD Defendants, and each of them, as more fully
26 described above in the General Allegations, Plaintiffs were subjected to unlawful harassment based
27 upon race, ancestry, national origin, sex/gender, marital status, and pregnancy, among other things.
28 The harassing conduct was committed by various Burbank Police Officers, Supervisors, and Does 1

1 though 100, inclusive (hereinafter, sometimes referred to as the "Police Officer Defendants"), among
2 others, and was ratified, approved or otherwise adopted by the Burbank PD Defendants.

3 86. The harassment included, by way of example and not by way of limitation, the
4 continuous and pervasive use of racial epithets and other racially inflammatory or otherwise
5 inappropriate language, such as "nigger," "Paco," "Armos," "Lezbo," and "wetback," as more fully
6 described above, as well as the disparate treatment, close scrutiny of Minorities, and failure to
7 impose appropriate discipline against offending employees, among other things, as more fully
8 described above in the General Allegations.

9 87. This harassment, as well as that described in the General Allegations, above, created a
10 hostile work environment in which minorities, females, gays and the disabled, among others, were
11 subjected to verbal and other harassment based on the color of their skin, their ancestry, their gender
12 and/or sexual orientation, among other things. This hostile working environment adversely affected
13 each and every officer in the Burbank PD, regardless of color, race or gender, and has caused a rift in
14 the Burbank PD between those officers who treat minorities and women the same as Caucasian
15 males, and those who wish to discriminate and cultivate favoritism.

16 88. Government Code section 12940(a) embodies fundamental, substantial, and well-
17 established public policies of the State of California. By engaging in the harassing conduct
18 hereinabove described, and by maintaining policies, practices and procedures which promote and do
19 not punish harassment, as more fully described above, the Burbank PD Defendants violated
20 Government Code section 12940(a), and the fundamental, substantial, and well-established public
21 policies embodied therein, such that an injunction should properly issue to enjoin further misconduct
22 on the part of the Burbank PD Defendants, in the manner set forth below.

23 89. Government Code section 12940(d) embodies fundamental, substantial, and well-
24 established public policies of the State of California. By causing and allowing racially motivated and
25 inflammatory speech to be published on the "white board" as more fully described above, the Police
26 Officer Defendants and the Burbank PD Defendants violated Government Code section 12940(d),
27 and the fundamental, substantial, and well-established public policies embodied therein, such that an
28 injunction should properly issue to enjoin further misconduct on the part of the Burbank PD

1 Defendants, in the manner set forth below.

2 90. Government Code section 12940(j) embodies fundamental, substantial, and well-
3 established public policies of the State of California. By engaging in the harassing conduct
4 hereinabove described, and by maintaining policies, practices and procedures which promote and do
5 not punish harassment, as more fully described above, the Burbank PD Defendants violated
6 Government Code section 12940(j), and the fundamental, substantial, and well-established public
7 policies embodied therein, such that an injunction should properly issue to enjoin further misconduct
8 on the part of the Burbank PD Defendants, in the manner set forth below.

9 91. Plaintiff are informed and believe that, at all times mentioned herein, the Burbank PD
10 Defendants and the Police Officer Defendants knowingly and willingly conspired and agreed among
11 themselves to cause Plaintiffs to be harassed and subjected to harassment, among other things, and to
12 deprive Plaintiffs of the benefits and privileges of their employment as described hereinabove. In so
13 doing, Defendants, and each of them, violated the fundamental, substantial, and well-established
14 public policies embodied in Government Code section 12940(i), by aiding, abetting, inciting,
15 compelling or coercing the doing of any of the acts forbidden under Government Code section
16 12940, subsection (a), or by attempting to do so.

17 92. Plaintiffs are informed and believe and based thereon allege that in addition to the
18 practices enumerated above, Defendants, and each of them, have engaged in other practices in
19 violation of the Fair Employment and Housing Act, including Government Code section 12940,
20 which are not yet fully known. At such time as said practices become known, Plaintiffs will seek
21 leave of Court to amend this Complaint in that regard.

22 93. As a direct and proximate result of Defendants and each of their willful, knowing, and
23 harassing acts and omissions, policies, practices and procedures, and failure to take all reasonable
24 steps necessary to prevent harassment as herein described, Plaintiffs have suffered and will continue
25 to suffer pain, extreme and severe mental anguish and emotional distress. Plaintiffs have incurred
26 and will continue to incur medical expenses for treatment by health professionals, as well as for
27 other incidental expenses. Plaintiffs have suffered and will continue to suffer loss of earnings and
28 other employment benefits and job opportunities. Plaintiffs are thereby entitled to general and

1 compensatory damages in amounts according to proof.

2 94. The Police Officer Defendants' wrongful conduct as described above, unless and until
3 enjoined and restrained by order of this Court, will cause great and irreparable injury to each of the
4 Plaintiffs. Specifically, Plaintiff's are all reliant upon each individual Defendant for their physical
5 safety while on the job, and likewise upon the greater policies, practices and procedures of the
6 Burbank PD. Unless Defendants are restrained from continuing their practice of discrimination,
7 harassment and retaliation, each Plaintiff's career and reputation will likely be damaged or
8 destroyed, and Plaintiffs may be placed in an untenable situation where he or she must rely upon the
9 actions of a named Defendant herein to avoid life-threatening injury. Therefore, Plaintiffs have no
10 adequate remedy at law for the injuries currently being suffered and threatened to be suffered, such
11 that an injunction should properly issue to enjoin further misconduct on the part of the Police Officer
12 Defendants.

13 95. As a direct and proximate result of Defendants, and each of their violations of
14 Government Code section 12940, subsection (a), as more fully described above, Plaintiffs have been
15 compelled to retain the services of counsel in an effort to enforce the terms and conditions of the
16 employment relationship with Defendants, and has thereby incurred, and will continue to incur, legal
17 fees and costs, the full nature and extent of which are presently unknown to Plaintiffs, who therefore
18 will seek leave of Court to amend this Complaint in that regard when the same shall be fully and
19 finally ascertained. Plaintiffs request that attorneys' fees and expert witness fees be awarded
20 pursuant to Government Code section 12965.

21 **THIRD CAUSE OF ACTION**
22 ***(Wrongful Retaliation in Violation Government Code Section 12940(h) Against Defendants***
23 ***City of Burbank, Burbank Police Department, and DOES 1 Through 100, Inclusive)***

24 96. Plaintiffs repeat and re-allege by this reference each and every allegation contained in
25 the General Allegations, paragraphs 1 through 72, and incorporate the same herein as though fully
26 set forth at length.

27 97. Plaintiffs Lt. Rodriguez, Officer Guillen, Officer Karagiosian, Officer E. Rodriguez
28 and Officer Childs, and each of them, were employed by the Burbank PD Defendants during the
times and in the positions which are described with more particularity, above. At all times herein

1 mentioned, each Plaintiff was performing competently in his or her respective positions within the
2 Burbank PD.

3 98. While working for the Burbank PD Defendants, and each of them, as more fully
4 described above in the General Allegations, the policies and procedures implemented by Burbank PD
5 Defendants created a custom and practice of discrimination and retaliation within the Burbank PD
6 against police officers when they reported discrimination, or other types of misconduct, among other
7 things. The retaliatory practices included, by way of example and not by way of limitation:

- 8 a. Scrutinizing Plaintiffs' work more carefully than Caucasian officers;
- 9 b. Causing false charges to be filed against certain Plaintiffs, including initiating
10 personal complaints, or claims of misconduct against them, among other things, as
11 more fully described above;
- 12 c. Failing to properly investigate claims of harassment, discrimination and
13 retaliation, and the additional failure to appropriately impose discipline on the
14 offending employees, among other things, as more fully described above;
- 15 d. Refusing to promote each Plaintiff in accordance with each Plaintiff's
16 demonstrated abilities as more fully described above;
- 17 e. Attempting to terminate, demote, or otherwise discipline Plaintiffs, among
18 other things, as more fully described above;
- 19 f. Improperly following the officers on their daily routines, and harassing them
20 to force them out of the , among other things, as more fully described above; and
- 21 g. Placing officers on administrative leave, removing them from positions of
22 authority, and making difficult and demeaning assignments to seasoned officers only
23 after they have filled complaints of discrimination, harassment or retaliation.

24 99. These retaliatory practices, as well as those described in the General Allegations,
25 above, created a hostile work environment in which the Burbank PD Defendants retaliate against
26 police officers when they reported discrimination, or other types of misconduct, among other things.
27 This hostile working environment adversely affected each and every officer in the Burbank PD,
28 regardless of color, race or gender, and has caused a rift in the Burbank PD between those officers

1 who treat minorities and women the same as Caucasian males, and those who wish to retaliate and
2 cultivate favoritism.

3 100. Government Code section 12940(h) embodies fundamental, substantial, and well-
4 established public policies of the State of California. By retaliating against police officers when they
5 reported discrimination, harassment or other types of misconduct, as more fully described above, the
6 Burbank PD Defendants violated Government Code section 12940(h), and the fundamental,
7 substantial, and well-established public policies embodied therein, such that an injunction should
8 properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner
9 set forth below.

10 101. Plaintiffs are informed and believe and based thereon allege that in addition to the
11 practices enumerated above, Defendants, and each of them, have engaged in other practices in
12 violation of the Fair Employment and Housing Act, including Government Code section 12940,
13 which are not yet fully known. At such time as said practices become known, Plaintiffs will seek
14 leave of Court to amend this Complaint in that regard.

15 102. The Burbank PD Defendants' wrongful conduct as described above, unless and until
16 enjoined and restrained by order of this Court, will cause great and irreparable injury to each of the
17 Plaintiffs. Specifically, Plaintiff's are all reliant upon each individual Defendant for their physical
18 safety while on the job, and likewise upon the greater policies, practices and procedures of the
19 Burbank PD. Unless Defendants are restrained from continuing their practice of retaliation, each
20 Plaintiff's career and reputation will likely be damaged or destroyed, and Plaintiffs may be placed in
21 an untenable situation where he or she must rely upon the actions of a named Defendant herein to
22 avoid life-threatening injury. Therefore, Plaintiffs have no adequate remedy at law for the injuries
23 currently being suffered and threatened to be suffered, such that an injunction should properly issue
24 to enjoin further misconduct on the part of the Burbank PD Defendants.

25 103. As a direct and proximate result of Defendants and each of their willful, knowing, and
26 retaliatory acts, omissions, policies, practices and procedures, and failure to take all reasonable steps
27 necessary to prevent retaliation as herein described, Plaintiffs have suffered and will continue to
28 suffer pain, extreme and severe mental anguish and emotional distress. Plaintiffs have incurred and

1 will continue to incur medical expenses for treatment by health professionals, as well as for other
2 incidental expenses. Plaintiffs have suffered and will continue to suffer loss of earnings and other
3 employment benefits and job opportunities. Plaintiffs are thereby entitled to general and
4 compensatory damages in amounts according to proof.

5 104. As a direct and proximate result of Defendants, and each of their violations of
6 Government Code section 12940, subsection (h), as more fully described above, Plaintiffs have been
7 compelled to retain the services of counsel in an effort to enforce the terms and conditions of the
8 employment relationship with Defendants, and has thereby incurred, and will continue to incur, legal
9 fees and costs, the full nature and extent of which are presently unknown to Plaintiffs, who therefore
10 will seek leave of Court to amend this Complaint in that regard when the same shall be fully and
11 finally ascertained. Plaintiffs request that attorneys' fees and expert witness fees be awarded
12 pursuant to Government Code section 12965.

13 **FOURTH CAUSE OF ACTION**

14 ***(Wrongful Failure to Accommodate and Engage in the Required Interactive Process in***
15 ***Violation of Government Code Sections 12945 and 12940, subsections (m) and (n),***
16 ***By Plaintiff Cindy Guillan-Gomez Against Defendants City of Burbank,***
17 ***Burbank Police Department, and DOES 1 Through 100, Inclusive)***

18 105. Plaintiffs repeat and re-allege by this reference each and every allegation contained in
19 the General Allegations, paragraphs 1 through 9, and 31 through 45, above, and incorporates the
20 same herein as though fully set forth at length.

21 106. Plaintiff Officer Guillen was employed by the Burbank PD Defendants during the
22 time and in the position which are described with more particularity, above. At all times herein
23 mentioned, Plaintiff was performing competently in her positions within the Burbank PD.

24 107. While working for the Burbank PD Defendants, and each of them, as more fully
25 described above in the General Allegations, the Burbank PD Defendants failed to accommodate
26 Plaintiff Guillen for her pregnancy and pregnancy related disability, among other things, and further
27 failed to engage in any interactive process to determine effective, reasonable accommodations for her
28 pregnancy and her pregnancy-related disability. Specifically, by way of example and not by way of
limitation, the Burbank PD Defendants changed their policies, practices and procedures concerning
maternity leave and pregnancy-related disability within approximately 3 weeks of learning of

1 Plaintiff's pregnancy, which policies, etc., were detrimental to Plaintiff Guillen. Further, among
2 other things, and as more fully described above, the Burbank PD Defendants failed to engage in any
3 interactive process upon learning of Plaintiff's pregnancy-related disability, and have continued to
4 refuse to provide Plaintiff with the tools necessary to perform her duties including, without
5 limitation, authorization for and training on the new MDT system as described above.

6 108. Government Code section 12945 embodies fundamental, substantial, and well-
7 established public policies of the State of California. By failing to provide a reasonable
8 accommodation for Plaintiff's pregnancy and pregnancy-related disability, among other things, and
9 as more fully described above, the Burbank PD Defendants violated Government Code section
10 12945, and the fundamental, substantial, and well-established public policies embodied therein, such
11 that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD
12 Defendants, in the manner set forth below.

13 109. Government Code section 12940(m) embodies fundamental, substantial, and well-
14 established public policies of the State of California. By failing to accommodate Plaintiff's
15 pregnancy and pregnancy-related disability, as more fully described above, the Burbank PD
16 Defendants violated Government Code section 12940(m), and the fundamental, substantial, and
17 well-established public policies embodied therein, such that an injunction should properly issue to
18 enjoin further misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

19 110. Government Code section 12940(n) embodies fundamental, substantial, and well-
20 established public policies of the State of California. By failing to engage in a good faith interactive
21 process upon learning of Plaintiff's pregnancy and pregnancy-related disability, as more fully
22 described above, the Burbank PD Defendants violated Government Code section 12940(n), and the
23 fundamental, substantial, and well-established public policies embodied therein, such that an
24 injunction should properly issue to enjoin further misconduct on the part of the Burbank PD
25 Defendants, in the manner set forth below.

26 111. Plaintiffs are informed and believe and based thereon allege that in addition to the
27 practices enumerated above, Defendants, and each of them, have engaged in other practices in
28 violation of the Fair Employment and Housing Act, including Government Code section 12940,

1 which are not yet fully known. At such time as said practices become known, Plaintiffs will seek
2 leave of Court to amend this Complaint in that regard.

3 112. As a direct and proximate result of Defendants and each of their failure to
4 accommodate, and failure to engage in the interactive process, as herein described, Plaintiff has
5 suffered and will continue to suffer pain, extreme and severe mental anguish and emotional distress.
6 Plaintiff has incurred and will continue to incur medical expenses for treatment by health
7 professionals, as well as for other incidental expenses. Plaintiff has suffered and will continue to
8 suffer loss of earnings and other employment benefits and job opportunities. Plaintiff is thereby
9 entitled to general and compensatory damages in amounts according to proof.

10 113. As a direct and proximate result of Defendants, and each of their violations of
11 Government Code sections 12945 and 12940, subsections (m) and (n), as more fully described
12 above, Plaintiff has been compelled to retain the services of counsel in an effort to enforce the terms
13 and conditions of the employment relationship with Defendants, and has thereby incurred, and will
14 continue to incur, legal fees and costs, the full nature and extent of which are presently unknown to
15 Plaintiff, who therefore will seek leave of Court to amend this Complaint in that regard when the
16 same shall be fully and finally ascertained. Plaintiffs request that attorneys' fees and expert witness
17 fees be awarded pursuant to Government Code section 12965.

18 **FIFTH CAUSE OF ACTION**

19 ***(Wrongful Failure to Take Reasonable Steps to Prevent Harassment,***
20 ***Discrimination and Retaliation in Violation Government Code Section 12940,***
Subsections (j)(1) and (k), Against Defendants City of Burbank,
Burbank Police Department, and DOES 1 Through 100, Inclusive)

21 114. Plaintiffs repeat and re-allege by this reference each and every allegation contained in
22 the General Allegations, paragraphs 1 through 72, and incorporate the same herein as though fully
23 set forth at length.

24 115. While Plaintiffs were working for the Burbank PD Defendants, and each of them, as
25 more fully described above in the General Allegations, the Burbank PD Defendants, and each of
26 them, failed to take reasonable steps to prevent harassment, discrimination and retaliation from
27 occurring. Specifically, the Burbank PD Defendants failed to appropriately train its employees in the
28 methods by which harassment, discrimination and retaliation may be prevented. Further, Defendants

1 failed to properly investigate claims of harassment, discrimination and retaliation within the
2 department, and thereafter failed to appropriately discipline its employees who were known to have
3 committed acts of wrongful harassment, discrimination and/or retaliation, among other things, as
4 more fully described above.

5 116. Government Code section 12940(j)(1) embodies fundamental, substantial, and well-
6 established public policies of the State of California. By failing to take reasonable steps to prevent
7 harassment from occurring, and further by failing to take "immediate and appropriate corrective
8 action," the Burbank PD Defendants violated Government Code section 12940(j)(1), and the
9 fundamental, substantial, and well-established public policies embodied therein, such that an
10 injunction should properly issue to enjoin further misconduct on the part of the Burbank PD
11 Defendants, in the manner set forth below.

12 117. Government Code section 12940(k) embodies fundamental, substantial, and well-
13 established public policies of the State of California. By failing to take reasonable steps to prevent
14 harassment and discrimination from occurring, the Burbank PD Defendants violated Government
15 Code section 12940(k), and the fundamental, substantial, and well-established public policies
16 embodied therein, such that an injunction should properly issue to enjoin further misconduct on the
17 part of the Burbank PD Defendants, in the manner set forth below.

18 118. Plaintiffs are informed and believe and based thereon allege that in addition to the
19 practices enumerated above, Defendants, and each of them, have engaged in other practices in
20 violation of the Fair Employment and Housing Act, including Government Code section 12940,
21 which are not yet fully known. At such time as said practices become known, Plaintiffs will seek
22 leave of Court to amend this Complaint in that regard.

23 119. The Burbank PD Defendants' wrongful conduct as described above, unless and until
24 enjoined and restrained by order of this Court, will cause great and irreparable injury to each of the
25 Plaintiffs. Specifically, Plaintiff's are all reliant upon each individual Defendant for their physical
26 safety while on the job, and likewise upon the greater policies, practices and procedures of the
27 Burbank PD. Unless Defendants are restrained from continuing their practice of discrimination and
28 retaliation, each Plaintiff's career and reputation will likely be damaged or destroyed, and Plaintiffs

1 may be placed in an untenable situation where he or she must rely upon the actions of a named
2 Defendant herein to avoid life-threatening injury. Therefore, Plaintiffs have no adequate remedy at
3 law for the injuries currently being suffered and threatened to be suffered, such that an injunction
4 should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants.

5 120. As a direct and proximate result of Defendants and each of their willful, knowing, and
6 discriminatory acts, omissions, policies, practices and procedures, and failure to take all reasonable
7 steps necessary to prevent discrimination as herein described, Plaintiffs have suffered and will
8 continue to suffer pain, extreme and severe mental anguish and emotional distress. Plaintiffs have
9 incurred and will continue to incur medical expenses for treatment by health professionals, as well as
10 for other incidental expenses. Plaintiffs have suffered and will continue to suffer loss of earnings and
11 other employment benefits and job opportunities. Plaintiffs are thereby entitled to general and
12 compensatory damages in amounts according to proof.

13 121. As a direct and proximate result of Defendants, and each of their violations of
14 Government Code section 12940(k), as more fully described above, Plaintiffs have been compelled
15 to retain the services of counsel in an effort to enforce the terms and conditions of the employment
16 relationship with Defendants, and has thereby incurred, and will continue to incur, legal fees and
17 costs, the full nature and extent of which are presently unknown to Plaintiffs, who therefore will seek
18 leave of Court to amend this Complaint in that regard when the same shall be fully and finally
19 ascertained. Plaintiffs request that attorneys' fees and expert witness fees be awarded pursuant to
20 Government Code section 12965.

21 **SIXTH CAUSE OF ACTION**

22 ***(Wrongful Violations of the Public Safety Officers Procedural Bill of Rights in violation of public***
23 ***policy and Government Code Sections 3300, Et Seq., Against Defendants City of Burbank,***
Burbank Police Department and DOES 1 Through 100, Inclusive)

24 122. Plaintiffs repeat and re-allege by this reference each and every allegation contained in
25 the General Allegations, paragraphs 1 through 72, and incorporate the same herein as though fully
26 set forth at length.

27 123. Plaintiffs Lt. Rodriguez, Officer Guillen, Officer Karagiosian, Officer E. Rodriguez
28 and Officer Childs, and each of them, were employed by the Burbank PD Defendants as sworn

1 police officers of various ranks described with more particularity, above. At all times herein
2 mentioned, each Plaintiff was performing competently in his or her respective positions within the
3 Burbank PD.

4 124. Plaintiffs have all been subjected to harassment, discrimination and retaliation while
5 working for the Burbank PD Defendants, as more fully described above in the General Allegations.
6 Plaintiffs further have protested this wrongful conduct, as well as the Burbank PD Defendants'
7 failure to properly discipline the offending officers, by filing complaints and grievances, both verbal
8 and written. In retaliation for filing such complaints and grievances, the Burbank PD Defendants,
9 and each of them, have retaliated against Plaintiffs, and each of them, by way of example and not by
10 way of limitation, as follows:

- 11 a. Scrutinizing Plaintiffs' work more carefully than Caucasian employees;
- 12 b. Causing false charges to be filed against certain Plaintiffs, including initiating
13 personal complaints, or claims of misconduct against them, among other things as
14 more fully described above;
- 15 c. Failing to properly investigate claims of harassment, discrimination and
16 retaliation, and the additional failure to appropriately impose discipline on the
17 offending employees, among other things, as more fully described above;
- 18 d. Refusing to promote each Plaintiff in accordance with each Plaintiff's
19 demonstrated abilities as more fully described above;
- 20 e. Attempting to terminate, demote, or otherwise discipline Plaintiffs, among
21 other things, as more fully described above;
- 22 f. Improperly following the officers on their daily routines, and harassing them
23 to force them out of the department;
- 24 g. Placing officers on administrative leave, removing them from positions of
25 authority, and making difficult and demeaning assignments to seasoned officers only
26 after they have filled complaints of discrimination, harassment or retaliation, among
27 other things, as more fully described above; and
- 28 h. Failing to follow standard investigatory procedures into complaints of

misconduct and/or poor performance lodged against individual Plaintiffs herein, by failing to complete the investigation with one (1) year, among other things.

125. Government Code section 3300 embodies fundamental, substantial, and well-established public policies of the State of California. "The Legislature further finds and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California." Id.

126. Government Code sections 3304 also embodies fundamental, substantial, and well-established public policies of the State of California. By engaging in the conduct as more fully described above, and by failing to conduct proper investigations, among other things, the Burbank PD Defendants violated Government Code section 3304, and the fundamental, substantial, and well-established public policies embodied therein.

127. Government Code sections 3309 also embodies fundamental, substantial, and well-established public policies of the State of California. By searching Lt. Rodriguez's storage spaces when he was improperly placed on administrative leave, as more fully described above, the Burbank PD Defendants violated Government Code section 3309, and the fundamental, substantial, and well-established public policies embodied therein.

128. Government Code sections 3309.5 also embodies fundamental, substantial, and well-established public policies of the State of California. "In any case where the superior court finds that a public safety department has violated any of the provisions of this chapter, the court shall render appropriate injunctive or other extraordinary relief to remedy the violation and to prevent future violations of a like or similar nature, including, but not limited to, the granting of a temporary restraining order, preliminary injunction, or permanent injunction prohibiting the public safety department from taking any punitive action against the public safety officer." Id. Therefore, injunctive relief as requested in this Complaint is expressly permitted under the Public Safety Officer's Procedural Bill of Rights, such that an injunction should properly issue to enjoin further

1 misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

2 129. Plaintiffs are informed and believe and based thereon allege that in addition to the
3 practices enumerated above, Defendants, and each of them, have engaged in other practices in
4 violation of the Public Safety Officer's Procedural Bill of Rights, which are not yet fully known. At
5 such time as said practices become known, Plaintiffs will seek leave of Court to amend this
6 Complaint in that regard.

7 130. The Burbank PD Defendants' wrongful conduct as described above, unless and until
8 enjoined and restrained by order of this Court, will cause great and irreparable injury to each of the
9 Plaintiffs. Specifically, Plaintiff's are all reliant upon each individual Defendant for their physical
10 safety while on the job, and likewise upon the greater policies, practices and procedures of the
11 Burbank PD. Unless Defendants are restrained from continuing their practice of retaliation, each
12 Plaintiff's career and reputation will likely be damaged or destroyed, and Plaintiffs may be placed in
13 an untenable situation where he or she must rely upon the actions of a named Defendant herein to
14 avoid life-threatening injury. Therefore, Plaintiffs have no adequate remedy at law for the injuries
15 currently being suffered and threatened to be suffered, such that an injunction should properly issue
16 to enjoin further misconduct on the part of the Burbank PD Defendants.

17 131. Government Code sections 3309.5(e) provides, in pertinent part, that "In addition to
18 the extraordinary relief afforded by this chapter, upon a finding by a superior court that a public
19 safety department, its employees, agents, or assigns, with respect to acts taken within the scope of
20 employment, maliciously violated any provision of this chapter with the intent to injure the public
21 safety officer, the public safety department shall, for each and every violation, be liable for a civil
22 penalty not to exceed twenty-five thousand dollars (\$25,000) to be awarded to the public safety
23 officer whose right or protection was denied and for reasonable attorney's fees as may be determined
24 by the court."

25 132. Plaintiffs are informed and believe and based thereon allege that the outrageous
26 conduct of the Burbank PD Defendants, and each of them, as more fully described above, was done
27 with malice and with a conscious disregard for Plaintiffs' rights, and with the intent, design and
28 purpose of injuring the Plaintiffs. Plaintiff is further informed and believes that the Burbank PD

1 Defendants, and each of them, through their officers, managing agents and/or supervisors,
2 authorized, condoned, ratified or otherwise adopted the unlawful malicious conduct of the Police
3 officer Defendants. By reason thereof, and as set forth in Government Code sections 3309.5(e),
4 Plaintiffs are each entitled to receive "a civil penalty" in the amount of \$25,000.00 for each
5 malicious violation of the Public Safety Officer's Procedural Bill of Rights, as hereinabove
6 described, in a total amount according to proof at trial.

7 133. As a direct and proximate result of Defendants and each of their willful violation of
8 the Public Safety Officer's Procedural Bill of Rights as herein described, Plaintiffs have suffered and
9 will continue to suffer pain, extreme and severe mental anguish and emotional distress. Plaintiffs
10 have incurred and will continue to incur medical expenses for treatment by health professionals, as
11 well as for other incidental expenses. Plaintiffs have suffered and will continue to suffer loss of
12 earnings and other employment benefits and job opportunities. Plaintiffs are thereby entitled to
13 general and compensatory damages in amounts according to proof.

14 134. As a direct and proximate result of Defendants, and each of their violations of the
15 Public Safety Officer's Procedural Bill of Rights, as more fully described above, Plaintiffs have been
16 compelled to retain the services of counsel in an effort to enforce the terms and conditions of the
17 employment relationship with Defendants, and has thereby incurred, and will continue to incur, legal
18 fees and costs, the full nature and extent of which are presently unknown to Plaintiffs, who therefore
19 will seek leave of Court to amend this Complaint in that regard when the same shall be fully and
20 finally ascertained. Plaintiffs request that attorneys' fees and expert witness fees be awarded
21 pursuant to Government Code section 3309.5(e).

22 **SEVENTH CAUSE OF ACTION**
23 ***(Injunctive Relief Against Defendants City of Burbank, Burbank***
Police Department, and DOES 1 Through 100, Inclusive)

24 135. Plaintiffs repeat and re-allege by this reference each and every allegation contained in
25 the General Allegations, paragraphs 1 through 72, and incorporate the same herein as though fully
26 set forth at length.

27 136. During Plaintiffs' employment with the Burbank PD Defendants, as more fully
28 described above, Plaintiffs were subjected to severe and pervasive harassment and discrimination

1 based on race, gender/sex, national origin, color, disability and pregnancy, to name a few, at the
2 hands of the Police Officer Defendants, among others. Plaintiffs were also subjected to retaliation as
3 set forth above, and the Burbank PD Defendants created a custom and practice of discrimination and
4 retaliation within the Burbank PD against police officers when they reported discrimination, or other
5 types of misconduct, among other things. The retaliatory practices included, by way of example and
6 not by way of limitation:

- 7 a. Scrutinizing Plaintiffs' work more carefully than Caucasian officers;
- 8 b. Causing false charges to be filed against certain Plaintiffs, including initiating
9 personal complaints, or claims of misconduct against them; among other things as
10 more fully described above;
- 11 c. Failing to properly investigate claims of harassment, discrimination and
12 retaliation, and the additional failure to appropriately impose discipline on the
13 offending employees;
- 14 d. Refusing to promote each Plaintiff in accordance with each Plaintiff's
15 demonstrated abilities as more fully described above;
- 16 e. Attempting to terminate, demote, or otherwise discipline Plaintiffs, among
17 other things, as more fully described above;
- 18 f. Improperly following the officers on their daily routines, and harassing them
19 to force them out of the department; and
- 20 g. Placing officers on administrative leave, removing them from positions of
21 authority, and making difficult and demeaning assignments to seasoned officers only
22 after they have filled complaints of discrimination, harassment or retaliation.

23 137. These retaliatory practices, as well as those described in the General Allegations,
24 above, created a hostile work environment in which the Burbank PD Defendants retaliate against
25 police officers when they reported discrimination, or other types of misconduct, among other things.
26 This hostile working environment adversely affected each and every officer in the Burbank PD,
27 regardless of color, race or gender, and has caused a rift in the Burbank PD between those officers
28 who treat minorities and women the same as Caucasian males, and those who wish to retaliate and

1 cultivate favoritism.

2 138. The Burbank PD Defendants' wrongful conduct as described above, unless and until
3 enjoined and restrained by order of this Court, will cause great and irreparable injury to each of the
4 Plaintiffs. Specifically, Plaintiff's are all reliant upon each individual Defendant for their physical
5 safety while on the job, and likewise upon the greater policies, practices and procedures of the
6 Burbank PD. Unless Defendants are restrained from continuing their practice of retaliation, each
7 Plaintiff's career and reputation will likely be damaged or destroyed, and Plaintiffs may be placed in
8 an untenable situation where he or she must rely upon the actions of a named Defendant herein to
9 avoid life-threatening injury.

10 139. Therefore, Plaintiffs have no adequate remedy at law for the injuries currently being
11 suffered and threatened to be suffered, such that an injunction should properly issue to enjoin further
12 misconduct on the part of the Burbank PD Defendants. In accordance therewith, and as set forth
13 under the relevant provisions of the California Fair Employment and Housing Act, Public Safety
14 Officer's Procedural Bill of Rights, Unfair Business Practices Laws, and public policy, as more fully
15 described above, Plaintiffs, and each of them, respectfully request the following:

- 16 a. For an order requiring the Burbank PD Defendants and the Police Officer
17 Defendants, and each of them, to show cause, if any they have, why they should not
18 be enjoined as hereinafter set forth, during the pendency of this action; and
- 19 b. For a temporary restraining order, preliminary injunction and a permanent
20 injunction enjoining the Burbank PD Defendants and the Police Officer Defendants,
21 and each of them, and their agents, servants, and employees, and all persons acting
22 under, in concert with, or for them, from:
- 23 i. Subjecting Plaintiffs, and each of them, to inappropriate and
24 unwarranted scrutiny during the performance of their duties;
- 25 ii. Causing false charges to be filed, including without limitation,
26 personal complaints, or claims of misconduct, against Plaintiffs, and each of
27 them;
- 28 iii. Failing and refusing to properly investigate claims of harassment,

1 discrimination and retaliation at the Burbank PD

- 2 iv. Failing and refusing to appropriately impose discipline on police
3 officers, including without limitation, the Police Officer Defendants, and each
4 of them, who are found to have engaged in conduct which is discriminatory,
5 harassing or retaliatory;
- 6 v. Making any employment decisions based on improper considerations
7 including, without limitation, race, color, national origin, gender, sex,
8 orientation, or any other improper basis as set forth in the Fair Employment
9 and Housing Act (Government Code section 12940, et seq.);
- 10 vi. Attempting to terminate, demote, discipline or otherwise take any
11 adverse employment action against any Plaintiff without first referring the
12 matter to an impartial tribunal for investigation and review;
- 13 vii. Harassing Plaintiffs, and each of them, based on improper
14 considerations including, without limitation, race, color, national origin,
15 gender, sex, orientation, or any other improper basis as set forth in the Fair
16 Employment and Housing Act (Government Code section 12940, et seq.);
- 17 viii. Discriminating against Plaintiffs, and each of them, based on improper
18 considerations including, without limitation, race, color, national origin,
19 gender, sex, orientation, or any other improper basis as set forth in the Fair
20 Employment and Housing Act (Government Code section 12940, et seq.);
- 21 ix. Retaliating against Plaintiffs, and each of them, when they reported
22 discrimination, harassment or retaliation, or other types of misconduct, or
23 when opposing any practice forbidden by the Fair Employment and Housing
24 Act (Government Code section 12940, et seq.); and
- 25 x. Placing Plaintiffs, and each of them, on administrative leave, removing
26 them from positions of authority, and making difficult and demeaning
27 assignments to Plaintiffs.

28 ///

1 WHEREFORE, Plaintiffs pray that judgment be entered in their favor and against
2 Defendants, and each of them, as follows:

3 1. For general and special damages according to proof at trial, with interest thereon at
4 the legal rate from the date of the damages,

5 2. For incidental and coincidental damages according to proof at trial;

6 3. For a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each
7 violation of the Public Safety Officer's Procedural Bill of Rights, as set forth in Government Code
8 section 3309.5;

9 4. For an order requiring the Burbank PD Defendants and the Police Officer Defendants,
10 and each of them, to show cause, if any they have, why they should not be enjoined as hereinafter set
11 forth, during the pendency of this action; and

12 5. For a temporary restraining order, preliminary injunction and a permanent injunction
13 enjoining the Burbank PD Defendants and the Police Officer Defendants, and each of them, and their
14 agents, servants, and employees, and all persons acting under, in concert with, or for them, from:

15 a. Subjecting Plaintiffs, and each of them, to inappropriate and unwarranted
16 scrutiny during the performance of their duties;

17 b. Causing false charges to be filed, including without limitation, personal
18 complaints, or claims of misconduct, against Plaintiffs, and each of them;

19 c. Failing and refusing to properly investigate claims of harassment,
20 discrimination and retaliation at the Burbank PD;

21 d. Failing and refusing to appropriately impose discipline on police officers,
22 including without limitation, the Police Officer Defendants, and each of them, who are found to have
23 engaged in conduct which is discriminatory, harassing or retaliatory;

24 e. Making any employment decisions based on improper considerations
25 including, without limitation, race, color, national origin, gender, sex, orientation, or any other
26 improper basis as set forth in the Fair Employment and Housing Act (Government Code section
27 12940, et seq.);

28 f. Attempting to terminate, demote, discipline or otherwise take any adverse

1 employment action against any Plaintiff without first referring the matter to an impartial tribunal for
2 investigation and review;

3 g. Harassing Plaintiffs, and each of them, based on improper considerations
4 including, without limitation, race, color, national origin, gender, sex, orientation, or any other
5 improper basis as set forth in the Fair Employment and Housing Act (Government Code section
6 12940, et seq.);

7 h. Discriminating against Plaintiffs, and each of them, based on improper
8 considerations including, without limitation, race, color, national origin, gender, sex, orientation, or
9 any other improper basis as set forth in the Fair Employment and Housing Act (Government Code
10 section 12940, et seq.);

11 i. Retaliating against Plaintiffs, and each of them, when they reported
12 discrimination, harassment or retaliation, or other types of misconduct, or when opposing any
13 practice forbidden by the Fair Employment and Housing Act (Government Code section 12940, et
14 seq.);

15 j. Placing Plaintiffs, and each of them, on administrative leave, removing them
16 from positions of authority, and making difficult and demeaning assignments to Plaintiffs; and

17 7. For costs of suit and interest incurred, including reasonable attorneys' and expert
18 witness fees; and

19 8. For such other and further relief as the Court may deem just and proper.

20 Dated: July 31, 2009

LAW OFFICES OF RHEUBAN & GRESEN

21
22 
23 **SOLOMONE GRESEN**

24 Attorneys for Plaintiffs OMAR RODRIGUEZ,
25 STEVE KARAGIOSIAN, CINDY GUILLEN-
26 GOMEZ, ELFEGO RODRIGUEZ AND
27 JAMAL CHILDS
28

DEMAND FOR JURY TRIAL

Plaintiffs hereby demands their constitutional right to a trial by jury.

Dated: July 31, 2009

LAW OFFICES OF RHEUBAN & GRESEN



SOLOMON E. GRESEN

Attorneys for Plaintiffs OMAR RODRIGUEZ,
STEVE KARAGIOSIAN, CINDY GUILLEN-
GOMEZ, ELFEGO RODRIGUEZ AND
JAMAL CHILDS

EXHIBIT "A"

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

CIVIL COMPLAINT

D #

E200809R6010-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.)

TELEPHONE NUMBER (INCLUDE AREA CODE)

RODRIGUEZ, OMAR

(310)979-0325

ADDRESS

C/O RHEUBAN & GRESN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP

LOS ANGELES, CA 90025

COUNTY

LOS ANGELES

COUNTY CODE

037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

TELEPHONE NUMBER (Include Area Code)

CITY OF BURBANK / BURBANK POLICE DEPARTMENT

(818)238-3000

ADDRESS

DFEH USE ONLY

200 N. THIRD STREET

CITY/STATE/ZIP

BURBANK, CA 91502

COUNTY

LOS ANGELES

COUNTY CODE

037

NO. OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

05/27/2009

RESPONDENT CODE

00

THE PARTICULARS ARE:

**I allege that on about or before
05/27/2009, the following
conduct occurred:**

☐ termination

☐ denial of employment

☐ denial of family or medical leave

☐ laid off

☒ denial of promotion

☐ denial of pregnancy leave

☒ demotion

☒ denial of transfer

☐ denial of equal pay

☐ harassment

☐ denial of accommodation

☐ denial of right to wear pants

☐ genetic characteristics testing

☒ failure to prevent discrimination or retaliation

☐ denial of pregnancy accommodation

☐ constructive discharge (forced to quit)

☐ retaliation

☐ impermissible non-job-related inquiry

☒ other (specify) **Harassment, Retaliation, Hostile Work Environment**

by **CITY OF BURBANK / BURBANK POLICE DEPARTMENT**

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

because of :

☐ sex

☒ national origin/ancestry

☐ disability (physical or mental)

☒ retaliation for engaging in protected

☐ age

☐ marital status

☐ medical condition (cancer or

activity or requesting a protected

☐ religion

☐ sexual orientation

generic characteristic

leave or accommodation

☒ race/color

☐ association

☐ other (specify)

**State of what you
believe to be the
reason(s) for
discrimination**

RACE, COLOR, NATIONAL ORIGIN, ANCESTRY, RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **05/27/2009**

At **Los Angeles**

DATE FILED: **05/27/2009**

DFEH-300-03a (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 West 7th Street, Suite 1400
(213) 439-6770
www.dfeh.ca.gov



May 27, 2009

RE: E200809R6010-00

RODRIGUEZ/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filing a private lawsuit in the State of California.

Sincerely,

Tina Walker

Tina Walker
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 West 7th Street, Suite 1400

(213) 439-6770

www.dfeh.ca.gov

ARNOLD SCHWARZENEGGER, Governor



May 27, 2009

RODRIGUEZ, OMAR

C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540
LOS ANGELES, CA 90025

RE: E200809R6010-00

RODRIGUEZ/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Dear RODRIGUEZ, OMAR:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 27, 2009 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

Tina Walker

Tina Walker
District Administrator

cc: Case File

MARGARITA CAMPOS
CITY CLERK
CITY OF BURBANK
275 EAST OLIVE AVENUE
BURBANK, CA 91510

EXHIBIT "B"

STEVEN V. RHEUBAN
SOLOMON E. GRESSEN

LAW OFFICES OF
RHEUBAN & GRESSEN
1990 SOUTH BUNDY DRIVE
SUITE 540
LOS ANGELES, CALIFORNIA 90025
TELEPHONE: (310) 979-0325
FACSIMILE: (310) 979-0351

STEVEN M. GISCHE
JOSEPH M. LEVY

09 MAY 28 PM 3:45

May 27, 2009

CITY CLERK
CITY OF BURBANK

VIA HAND DELIVERY

Ms. Margarita Campos, City Clerk
Office of the City Clerk
City of Burbank
275 East Olive Avenue
Burbank, California 91510-6459

CITY OF BURBANK / BURBANK POLICE DEPARTMENT CLAIM FOR DAMAGES
California Government Code §§ 910 et Seq.

1. Claimants: The name and post office address of the Claimant is as follows: *California Government Code § 910(a).*

Omar Rodriguez
c/o Law Offices of Rheuban & Gresen
1990 South Bundy Drive, Suite 540
Los Angeles, California 90025
Telephone (310) 979-0325
Facsimile (310) 979-0351

2. Notices: The post office address to which the person presenting the Claim desires notices to be sent is as follows: *(California Government Code § 910(b).)*

c/o Solomon E. Gresen, Esq.
Law Offices of Rheuban & Gresen
1990 South Bundy Drive, Suite 540
Los Angeles, California 90025
Telephone (310) 979-0325
Facsimile (310) 979-0351

3. Description: The date, place and other circumstances of the occurrence or transaction which gave rise to the Claim asserted are as follows: *(California Government Code § 910(c).)*

Between 1988, and the present, and continuing, the City of Burbank and the Burbank Police Department, and their officers, employees, servants, and agents, without limitation, engaged in illegal and otherwise wrongful conduct including, without limitation, harassment and discrimination based on race, color, and national ancestry, among other things, and

Claim for Damages

May 27, 2009

Page: 2

retaliation for opposing unlawful harassment and discrimination. This conduct created a hostile work environment in the City of Burbank and the Burbank Police Department. Further, the City of Burbank and the Burbank Police Department failed to take reasonable steps to prevent harassment, discrimination and retaliation from occurring, and also refused to take prompt remedial action upon learning of specific instances of harassment, discrimination and retaliation, among other things.

4. Damages: A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the Claim is as follows: (*California Government Code § 910(d).*)
- Claimant has been damaged in his career, and health, mind and body, and has suffered a loss of earnings, future earnings and earning capacity.
5. Names: The name or names of the public employee or employees causing the injury, damage, or loss. (*California Government Code § 910(e).*)
- Claimant is informed and believes that the public employee or employees causing his injury, damage, or loss include, without limitation, Tim Stehr, Kerry Schilf and Jamie Puglisi, among others.
6. Amount: The amount claimed exceeds ten thousand dollars (\$10,000.00). Accordingly, no dollar amount shall be included in the Claim. However, it shall indicate whether the claim would be a limited civil case. (*California Government Code § 910(f).*)

The amount claimed exceeds \$10,000.00. The total amount due to Claimant is presently unknown, but believed to be in excess of the minimum jurisdictional limits of the Court of Unlimited Jurisdiction.

LAW OFFICES OF RHEUBAN & GRESEN

SOLOMON E. GRESEN

Attorney for Claimant, Omar Rodriguez

SEG/dj



CITY OF BURBANK
OFFICE OF THE CITY ATTORNEY
275 East Olive Avenue • P.O. Box 6459 • Burbank, California 91510-6459
818.238.5700 • 818.238.5724 FAX

DENNIS A. BARLOW
City Attorney

JULI CHRISTINE SCOTT
Chief Assistant City Attorney

VIA US CERTIFIED MAIL

July 10, 2009

Writers Direct Dial
(818)238-5707

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

Re: Claim of Omar Rodriguez

Dear Mr. Gresen and Mr. Rheuban:

Notice is hereby given that the claim which you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred within six months of the date of filing, is being denied. With respect to that portion of your claim that has been denied, the following Warning is given:

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Notice is further given that the claim you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred more than six months before the date of filing, is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on that portion of the claim.

Your only recourse at this time is to apply without delay to the City of Burbank for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

July 10, 2009

Page 2

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,



Carol Ann Humiston
Senior Assistant City Attorney

I am a resident of, or employed in the County of Los Angeles, State of California. I am over the age of 18 years old and not a party to the within action. My business address is 275 E. Olive Avenue, Burbank, California 91502.

On July 10, 2009, I served the following listed document(s), **Notice of Denial and Return of Government Claim** by method indicated below, on the party in this action:

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

☒ **BY U.S. MAIL**

By placing **XX** the original / ☐ a true copy thereof enclosed in a sealed envelope(s), with postage prepaid, addressed as per the attached service list, for collection and mailings at the City of Burbank in Burbank, California following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of the document for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day in the ordinary course of business. I am aware that upon motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in this affidavit.

☐ **BY ELECTRONIC SERVICE
(via electronic filing service provider)**

By electronically transmitting the document(s) listed above to LexisNexis File and Serve, an electronic filing service provider, at www.fileandserve.lexisnexis.com pursuant to the Court's Order mandating electronic service. See Cal.R.Ct.R. 2053, 2055, 2060. The transmission was reported as complete and without error.

☐ **BY OVERNIGHT DELIVERY**

By delivering the document(s) listed above in a sealed envelope designated by the express service carrier, with delivery fees paid or provided for, addressed as per the above service list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to receive documents.

☐ **BY ELECTRONIC SERVICE
(to individual person)**

By electronically transmitting the document(s) listed above to the email address(es) of the person(s) set forth on the attached service list. The transmission was reported as complete and without error. See Rules of Court, rule 2060.

☐ **BY PERSONAL SERVICE**

☐ By personally delivering the document(s) listed above to the offices at the addressee(s) as shown on the attached service list.
☐ By placing the document(s) listed above in a sealed envelope(s) and instructing a registered process server to personally deliver the envelope(s) to the offices at the address(es) set forth on the attached service list. The signed proof of service by the registered process server is attached.

☐ **BY FACSIMILE**

By transmitting the document(s) listed above from City of Burbank City Attorney's Office in Burbank, California to the facsimile machine telephone number(s) set forth on the attached service list. Service by facsimile transmission was made pursuant to agreement of the parties, confirmed in writing.

☒ **STATE**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ **FEDERAL**

I declare under penalty of perjury under the laws of the United States that I am employed in the office of a member of the bar of this court at whose direction the service is made.

Executed July 10, 2009, at BURBANK, CALIFORNIA.

Lusine Arutyunyan
Type or Print Name

Signature

EXHIBIT "C"

COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT

EMPLOYMENT

I #

E200809S6014-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.)

GUILLEN-GOMEZ, CINDY

TELEPHONE NUMBER (INCLUDE AREA CODE)

(310)979-0325

ADDRESS

C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP

LOS ANGELES, CA 90025

COUNTY

LOS ANGELES

COUNTY CODE

037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

CITY OF BURBANK / BURBANK POLICE DEPARTMENT

TELEPHONE NUMBER (Include Area Code)

(818)238-3000

ADDRESS

200 N. THIRD STREET

DFEH USE ONLY

CITY/STATE/ZIP

BURBANK, CA 91502

COUNTY

LOS ANGELES

COUNTY CODE

037

NO. OF EMPLOYEES/MEMBERS (If known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

05/27/2009

RESPONDENT CODE

00

THE PARTICULARS ARE:

I allege that on about or before
05/27/2009, the following
conduct occurred:

<input type="checkbox"/> termination	<input type="checkbox"/> denial of employment	<input type="checkbox"/> denial of family or medical leave
<input type="checkbox"/> laid off	<input checked="" type="checkbox"/> denial of promotion	<input type="checkbox"/> denial of pregnancy leave
<input type="checkbox"/> demotion	<input checked="" type="checkbox"/> denial of transfer	<input type="checkbox"/> denial of equal pay
<input checked="" type="checkbox"/> harassment	<input type="checkbox"/> denial of accommodation	<input type="checkbox"/> denial of right to wear pants
<input type="checkbox"/> genetic characteristics testing	<input type="checkbox"/> failure to prevent discrimination or retaliation	<input checked="" type="checkbox"/> denial of pregnancy accommodation
<input type="checkbox"/> constructive discharge (forced to quit)	<input type="checkbox"/> retaliation	
<input type="checkbox"/> impermissible non-job-related inquiry	<input checked="" type="checkbox"/> other (specify) Retaliation, Failure to prevent, Hostile wk. env., Interactive process	

by CITY OF BURBANK / BURBANK POLICE DEPARTMENT

because of:

Name of Person		Job Title (supervisor/manager/personnel director/etc.)	
<input type="checkbox"/> sex	<input checked="" type="checkbox"/> national origin/ancestry	<input type="checkbox"/> disability (physical or mental)	<input checked="" type="checkbox"/> retaliation for engaging in protected
<input type="checkbox"/> age	<input checked="" type="checkbox"/> marital status	<input type="checkbox"/> medical condition (cancer or	activity or requesting a protected
<input type="checkbox"/> religion	<input type="checkbox"/> sexual orientation	generic characteristic	leave or accommodation
<input checked="" type="checkbox"/> race/color	<input type="checkbox"/> association	<input checked="" type="checkbox"/> other (specify) Pregnancy/Maternity, Sex/Gender, Preg. Disability	

State of what you
believe to be the
reason(s) for
discrimination

RACE, COLOR, SEX, NATIONAL ORIGIN, ANCESTRY, RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY AND/OR REQUESTING A PROTECTED LEAVE OR ACCOMMODATION, PREGNANCY/MATERNITY, AND PREGNANCY DISABILITY, AMONG OTHER THINGS.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 05/27/2009

At Los Angeles

DATE FILED: 05/27/2009

DFEH-300-030 (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 West 7th Street, Suite 1400

(213) 439-6700

www.dfeh.ca.gov



May 27, 2009

RE: E200809S6014-00

GUILLEN-GOMEZ/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filing a private lawsuit in the State of California.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff", is written over a horizontal line.

Lottie Woodruff
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 West 7th Street, Suite 1400

(213) 439-6700

www.dfeh.ca.gov



May 27, 2009

GUILLEN-GOMEZ, CINDY
C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540
LOS ANGELES, CA 90025

RE: E200809S6014-00
GUILLEN-GOMEZ/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Dear GUILLEN-GOMEZ, CINDY:

NOTICE OF CASE CLOSURE

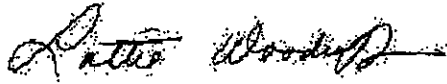
This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 27, 2009 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff".

Lottie Woodruff
District Administrator

cc: Case File

MARGARITA CAMPOS
CITY CLERK
CITY OF BURBANK
275 EAST OLIVE AVENUE
BURBANK, CA 91510

EXHIBIT "D"

STEVEN V. RHEUBAN
SOLOMON E. GRESSEN

RHEUBAN & GRESSEN
1990 SOUTH BUNDY DRIVE
SUITE 540
LOS ANGELES, CALIFORNIA 90025
TELEPHONE: (310) 979-0325
FACSIMILE: (310) 979-0351

STEVEN M. CISCHKE
JOSEPH M. LEVY

09 MAY 28 PM 3:45

May 27, 2009

CITY CLERK
CITY OF BURBANK

VIA HAND DELIVERY

Ms. Margarita Campos, City Clerk
Office of the City Clerk
City of Burbank
275 East Olive Avenue
Burbank, California 91510-6459

CITY OF BURBANK / BURBANK POLICE DEPARTMENT CLAIM FOR DAMAGES
California Government Code §§ 910 et Seq.

1. Claimants: The name and post office address of the Claimant is as follows: *California Government Code § 910(a).*

Cindy Guillen-Gomez
c/o Law Offices of Rheuban & Gresen
1990 South Bundy Drive, Suite 540
Los Angeles, California 90025
Telephone (310) 979-0325
Facsimile (310) 979-0351

2. Notices: The post office address to which the person presenting the Claim desires notices to be sent is as follows: *(California Government Code § 910(b).)*

c/o Solomon E. Gresen, Esq.
Law Offices of Rheuban & Gresen
1990 South Bundy Drive, Suite 540
Los Angeles, California 90025
Telephone (310) 979-0325
Facsimile (310) 979-0351

3. Description: The date, place and other circumstances of the occurrence or transaction which gave rise to the Claim asserted are as follows: *(California Government Code § 910(c).)*

Between January, 2000 and the present, and continuing, the City of Burbank and the Burbank Police Department, and their officers, employees, servants, and agents, without limitation, engaged in illegal and otherwise wrongful conduct including, without limitation, harassment and

discrimination based on race, color, and national ancestry, among other things, and retaliation for opposing unlawful harassment and discrimination. This conduct created a hostile work environment in the City of Burbank and the Burbank Police Department. Further, the City of Burbank and the Burbank Police Department failed to take reasonable steps to prevent harassment, discrimination and retaliation from occurring, and also refused to take prompt remedial action upon learning of specific instances of harassment, discrimination and retaliation, among other things.

4. Damages: A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the Claim is as follows: (*California Government Code § 910(d).*)

Claimant has been damaged in his career, and health, mind and body, and has suffered a loss of earnings, future earnings and earning capacity.

5. Names: The name or names of the public employee or employees causing the injury, damage, or loss. (*California Government Code § 910(e).*)

Claimant is informed and believes that the public employee or employees causing his injury, damage, or loss include, without limitation, Tim Stehr and Kelly Frank, among others.

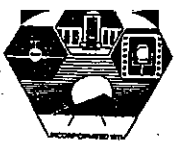
6. Amount: The amount claimed exceeds ten thousand dollars (\$10,000.00). Accordingly, no dollar amount shall be included in the Claim. However, it shall indicate whether the claim would be a limited civil case. (*California Government Code § 910(f).*)

The amount claimed exceeds \$10,000.00. The total amount due to Claimant is presently unknown, but believed to be in excess of the minimum jurisdictional limits of the Court of Unlimited Jurisdiction.

LAW OFFICES OF RHEUBAN & GRESEN

SOLOMON E. GRESEN

Attorney for Claimant, Elfago Rodriguez



VIA US CERTIFIED MAIL

July 10, 2009

Writers Direct Dial
(818)238-5707

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

Re: Claim of Cindy Guillen-Gomez

Dear Mr. Gresen and Mr. Rheuban:

Notice is hereby given that the claim which you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred within six months of the date of filing, is being denied. With respect to that portion of your claim that has been denied, the following Warning is given:

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Notice is further given that the claim you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred more than six months before the date of filing, is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on that portion of the claim.

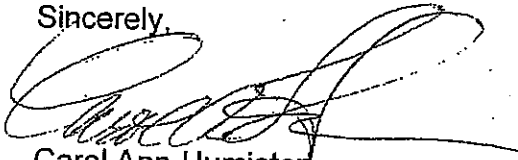
Your only recourse at this time is to apply without delay to the City of Burbank for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

July 10, 2009

Page 2

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carol Ann Humiston', written over a horizontal line.

Carol Ann Humiston
Senior Assistant City Attorney

PROOF OF SERVICE
F.R.C.P. 5 / C.C.P. 1013a(3) / Rules of Court, Rule 2060

I am a resident of, or employed in the County of Los Angeles, State of California. I am over the age of 18 years old and not a party to the within action. My business address is 275 E. Olive Avenue, Burbank, California 91502.

On July 10, 2009, I served the following listed document(s), **Notice of Denial and Return of Government Claim** by method indicated below, on the party in this action:

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

<p><input checked="" type="checkbox"/> BY U.S. MAIL</p> <p>By placing XX the original / <input type="checkbox"/> a true copy thereof enclosed in a sealed envelope(s), with postage prepaid, addressed as per the attached service list, for collection and mailings at the City of Burbank in Burbank, California following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of the document for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day in the ordinary course of business. I am aware that upon motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in this affidavit.</p>	<p><input type="checkbox"/> BY ELECTRONIC SERVICE (via electronic filing service provider)</p> <p>By electronically transmitting the document(s) listed above to LexisNexis File and Serve, an electronic filing service provider, at www.fileandserve.lexisnexis.com pursuant to the Court's _____ Order mandating electronic service. See Cal.R.Ct.R. 2053, 2055, 2060. The transmission was reported as complete and without error.</p>
<p><input type="checkbox"/> BY OVERNIGHT DELIVERY</p> <p>By delivering the document(s) listed above in a sealed envelope designated by the express service carrier, with delivery fees paid or provided for, addressed as per the above service list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to received documents.</p>	<p><input type="checkbox"/> BY ELECTRONIC SERVICE (to individual person)</p> <p>By electronically transmitting the document(s) listed above to the email address(es) of the person(s) set forth on the attached service list. The transmission was reported as complete and without error. See Rules of Court, rule 2060.</p>
<p><input type="checkbox"/> BY PERSONAL SERVICE</p> <p><input type="checkbox"/> By personally delivering the document(s) listed above to the offices at the addressee(s) as shown on the attached service list.</p> <p><input type="checkbox"/> By placing the document(s) listed above in a sealed envelope(s) and instructing a registered process server to personally deliver the envelope(s) to the offices at the address(es) set forth on the attached service list. The signed proof of service by the registered process server is attached.</p>	<p><input type="checkbox"/> BY FACSIMILE</p> <p>By transmitting the document(s) listed above from City of Burbank-City Attorney's Office in Burbank, California to the facsimile machine telephone number(s) set forth on the attached service list. Service by facsimile transmission was made pursuant to agreement of the parties, confirmed in writing.</p>

☒ **STATE** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ **FEDERAL** I declare under penalty of perjury under the laws of the United States that I am employed in the office of a member of the bar of this court at whose direction the service is made.

Executed July 10, 2009, at BURBANK, CALIFORNIA.

Lusine Arutyunyan
Type or Print Name


Signature

EXHIBIT "E"

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

***** EMPLOYMENT**

D.#

E200809R6009-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.)

KARAGIOSIAN, STEVE

TELEPHONE NUMBER (INCLUDE AREA CODE)

(310)979-0325

ADDRESS

C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP

LOS ANGELES, CA 90025

COUNTY

LOS ANGELES

COUNTY CODE

037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

CITY OF BURBANK / BURBANK POLICE DEPARTMENT

TELEPHONE NUMBER (Include Area Code)

(818)238-3000

ADDRESS

200 N. THIRD STREET

DFEH USE ONLY

CITY/STATE/ZIP

BURBANK, CA 91502

COUNTY

LOS ANGELES

COUNTY CODE

037

NO. OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

05/27/2009

RESPONDENT CODE

00

THE PARTICULARS ARE:

**I allege that on about or before
05/27/2009, the following
conduct occurred:**

☐ termination

☐ laid off

☒ demotion

☒ harassment

☐ genetic characteristics testing

☐ constructive discharge (forced to quit)

☐ impermissible non-job-related inquiry

☐ denial of employment

☒ denial of promotion

☐ denial of transfer

☐ denial of accommodation

☒ failure to prevent discrimination or retaliation

☐ retaliation

☒ other (specify) Retaliation, Hostile Work Environment

☐ denial of family or medical leave

☐ denial of pregnancy leave

☐ denial of equal pay

☐ denial of right to wear pants

☐ denial of pregnancy accommodation

by **CITY OF BURBANK / BURBANK POLICE DEPARTMENT**

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

because of:

☐ sex

☐ age

☐ religion

☒ race/color

☒ national origin/ancestry

☐ marital status

☐ sexual orientation

☐ association

☐ disability (physical or mental)

☐ medical condition (cancer or

generic characteristic

☐ other (specify)

☒ retaliation for engaging in protected

activity or requesting a protected

leave or accommodation

State of what you
believe to be the
reason(s) for
discrimination

RACE/COLOR, NATIONAL ORIGIN, ANCESTRY, AND RETALIATION FOR ENGAGING IN PROTECTED ACTIVITIES

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **05/27/2009**

At **Los Angeles**

DATE FILED: **05/27/2009**

DFEH-300-03b (02/08)

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

STATE OF CALIFORNIA - DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 West 7th Street, Suite 1400
(213) 439-6770
www.dfeh.ca.gov



May 27, 2009

RE: E200809R6009-00
KARAGIOSIAN/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH)-pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filing a private lawsuit in the State of California.

Sincerely,

Tina Walker

Tina Walker
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 West 7th Street, Suite 1400

(213) 439-6770

www.dfeh.ca.gov

ARNOLD SCHWARZENEGGER, Governor



May 27, 2009

KARAGIOSIAN, STEVE

C/O RHEUBAN & GRESSEN, 1990 S. BUNDY DR., STE. 540

LOS ANGELES, CA 90025

RE: E200809R6009-00

KARAGIOSIAN/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Dear KARAGIOSIAN, STEVE:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 27, 2009 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,



Tina Walker
District Administrator

.cc: Case File

MARGARITA CAMPOS
CITY CLERK
CITY OF BURBANK
275 EAST OLIVE AVENUE
BURBANK, CA 91510

EXHIBIT "F"

STEVEN V. RHEUBAN
SOLOMON E. GRESSEN

RHEUBAN & GRESEN
1990 SOUTH BUNDY DRIVE
SUITE 540
LOS ANGELES, CALIFORNIA 90025
TELEPHONE: (310) 979-0325
FACSIMILE: (310) 979-0351

STEVEN M. CISCHE
JOSEPH M. LEVY

09 MAY 28 PM 3:45

May 27, 2009

CITY CLERK
CITY OF BURBANK

VIA HAND DELIVERY

Ms. Margarita Campos, City Clerk
Office of the City Clerk
City of Burbank
275 East Olive Avenue
Burbank, California 91510-6459

CITY OF BURBANK / BURBANK POLICE DEPARTMENT CLAIM FOR DAMAGES
California Government Code §§ 910 et Seq.

1. Claimants: The name and post office address of the Claimant is as follows: *California Government Code § 910(a).*

Steve Karagiosian
c/o Law Offices of Rheuban & Gresen
1990 South Bundy Drive, Suite 540
Los Angeles, California 90025
Telephone (310) 979-0325
Facsimile (310) 979-0351
2. Notices: The post office address to which the person presenting the Claim desires notices to be sent is as follows: *(California Government Code § 910(b).)*

c/o Solomon E. Gresen, Esq.
Law Offices of Rheuban & Gresen
1990 South Bundy Drive, Suite 540
Los Angeles, California 90025
Telephone (310) 979-0325
Facsimile (310) 979-0351
3. Description: The date, place and other circumstances of the occurrence or transaction which gave rise to the Claim asserted are as follows: *(California Government Code § 910(c).)*

Between July, 2004, and the present, and continuing, the City of Burbank and the Burbank Police Department, and their officers, employees, servants, and agents, without limitation, engaged in illegal and otherwise wrongful conduct including, without limitation, harassment and discrimination based on race, color, and national ancestry, among other

things, and retaliation for opposing unlawful harassment and discrimination. This conduct created a hostile work environment in the City of Burbank and the Burbank Police Department. Further, the City of Burbank and the Burbank Police Department failed to take reasonable steps to prevent harassment, discrimination and retaliation from occurring, and also refused to take prompt remedial action upon learning of specific instances of harassment, discrimination and retaliation, among other things.

4. Damages: A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the Claim is as follows: (*California Government Code § 910(d).*)

Claimant has been damaged in his career, and health, mind and body, and has suffered a loss of earnings, future earnings and earning capacity.

5. Names: The name or names of the public employee or employees causing the injury, damage, or loss. (*California Government Code § 910(e).*)

Claimant is informed and believes that the public employee or employees causing his injury, damage, or loss include, without limitation, Tim Stehr, Kelly Frank, Aaron Kendrick, and Dan Yadon, among others.

6. Amount: The amount claimed exceeds ten thousand dollars (\$10,000.00). Accordingly, no dollar amount shall be included in the Claim. However, it shall indicate whether the claim would be a limited civil case. (*California Government Code § 910(f).*)

The amount claimed exceeds \$10,000.00. The total amount due to Claimant is presently unknown, but believed to be in excess of the minimum jurisdictional limits of the Court of Unlimited Jurisdiction.

LAW OFFICES OF RHEUBAN & GRESEN

SOLOMON E. GRESEN

Attorney for Claimant, Steve Karagiosian



VIA US CERTIFIED MAIL

July 10, 2009

Writers Direct Dial
(818)238-5707

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

Re: Claim of Steven Karagiosian

Dear Mr. Gresen and Mr. Rheuban:

Notice is hereby given that the claim which you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred within six months of the date of filing, is being denied. With respect to that portion of your claim that has been denied, the following Warning is given:

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

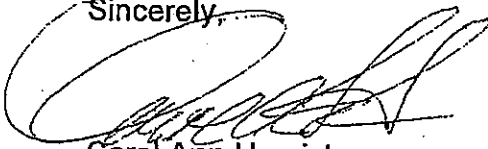
Notice is further given that the claim you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred more than six months before the date of filing, is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on that portion of the claim.

Your only recourse at this time is to apply without delay to the City of Burbank for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

July 10, 2009
Page 2

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carol Ann Humiston', written over a large, loopy initial 'C'.

Carol Ann Humiston
Senior Assistant City Attorney

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PROOF OF SERVICE
F.R.C.P. 5 / C.C.P. 1013a(3) / Rules of Court, Rule 2060

I am a resident of, or employed in the County of Los Angeles, State of California. I am over the age of 18 years old and not a party to the within action. My business address is 275 E. Olive Avenue, Burbank, California 91502.

On July 10, 2009, I served the following listed document(s), **Notice of Denial and Return of Government Claim** by method indicated below, on the party in this action:

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

☒ **BY U.S. MAIL**

By placing **XX** the original / ☐ a true copy thereof enclosed in a sealed envelope(s), with postage prepaid, addressed as per the attached service list, for collection and mailings at the City of Burbank in Burbank, California following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of the document for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day in the ordinary course of business. I am aware that upon motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in this affidavit.

☐ **BY ELECTRONIC SERVICE
(via electronic filing service provider)**

By electronically transmitting the document(s) listed above to LexisNexis File and Serve, an electronic filing service provider, at www.fileandserve.lexisnexis.com pursuant to the Court's _____ Order mandating electronic service. See Cal.R.Ct.R. 2053, 2055, 2060. The transmission was reported as complete and without error.

☐ **BY OVERNIGHT DELIVERY**

By delivering the document(s) listed above in a sealed envelope designated by the express service carrier, with delivery fees paid or provided for, addressed as per the above service list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to received documents.

☐ **BY ELECTRONIC SERVICE
(to individual person)**

By electronically transmitting the document(s) listed above to the email address(es) of the person(s) set forth on the attached service list. The transmission was reported as complete and without error. See Rules of Court, rule 2060.

☐ **BY PERSONAL SERVICE**

☐ By personally delivering the document(s) listed above to the offices at the addressee(s) as shown on the attached service list.
☐ By placing the document(s) listed above in a sealed envelope(s) and instructing a registered process server to personally deliver the envelope(s) to the offices at the address(es) set forth on the attached service list. The signed proof of service by the registered process server is attached.

☐ **BY FACSIMILE**

By transmitting the document(s) listed above from City of Burbank-City Attorney's Office in Burbank, California to the facsimile machine telephone number(s) set forth on the attached service list. Service by facsimile transmission was made pursuant to agreement of the parties, confirmed in writing.

☒ **STATE**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ **FEDERAL**

I declare under penalty of perjury under the laws of the United States that I am employed in the office of a member of the bar of this court at whose direction the service is made.

Executed July 10, 2009, at BURBANK, CALIFORNIA.

Lusine Arutyunyan
Type or Print Name


Signature

1

EXHIBIT "G"

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

#

E200809S6016-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.)

RODRIGUEZ, ELFEGO

TELEPHONE NUMBER (INCLUDE AREA CODE)

(310)979-0325

ADDRESS

C/O RHEUBAN & GRESSEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP

LOS ANGELES, CA 90025

COUNTY

LOS ANGELES

COUNTY CODE

037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY W
DISCRIMINATED AGAINST ME:

NAME

CITY OF BURBANK / BURBANK POLICE DEPARTMENT

TELEPHONE NUMBER (Include Area Code)

(818)238-3000

ADDRESS

200 N. THIRD STREET

DFEH USE ONLY

CITY/STATE/ZIP

BURBANK, CA 91502

COUNTY

LOS ANGELES

COUNTY CODE

037

NO. OF EMPLOYEES/MEMBERS (If known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

05/27/2009

RESPONDENT CODE

00

THE PARTICULARS ARE:

**I allege that on about or before
05/27/2009, the following
conduct occurred:**

☐ termination

☐ denial of employment

☐ denial of family or medical leave

☐ laid off

☒ denial of promotion

☐ denial of pregnancy leave

☒ demotion

☒ denial of transfer

☐ denial of equal pay

☐ harassment

☐ denial of accommodation

☐ denial of right to wear pants

☐ genetic characteristics testing

☒ failure to prevent discrimination or retaliation

☐ denial of pregnancy accommodation

☐ constructive discharge (forced to quit)

☐ retaliation

☐ impermissible non-job-related inquiry

☒ other (specify) **Harassment, Retaliation, Hostile Work
Environment**

by **CITY OF BURBANK / BURBANK POLICE DEPARTMENT**

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

because of :

☐ sex

☒ national origin/ancestry

☐ disability (physical or mental)

☒ retaliation for engaging in protected

☐ age

☐ marital status

☐ medical condition (cancer or

activity or requesting a protected

☐ religion

☐ sexual orientation

generic characteristic

leave or accommodation

☒ race/color

☐ association

☐ other (specify)

**State of what you
believe to be the
reason(s) for
discrimination**

RACE, COLOR, NATIONAL ORIGIN, ANCESTRY, RETALIATION FOR ENGAGING IN PROTECTED ACTIVITIES

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated: **05/27/2009**

At **Los Angeles**

DATE FILED: **05/27/2009**

DFEH-300-030 (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 West 7th Street, Suite 1400

(213) 439-6700

www.dfeh.ca.gov



May 27, 2009

RE: E200809S6016-00

RODRIGUEZ/CITY OF BURBANK / BURBANK POLICE DEPARTMENT**NOTICE TO COMPLAINANT'S ATTORNEY**

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filing a private lawsuit in the State of California.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff", is written over a horizontal line.

Lottie Woodruff
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 West 7th Street, Suite 1400

(213) 439-6700

www.dfeh.ca.gov



May 27, 2009

RODRIGUEZ, ELFEGO

C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540
LOS ANGELES, CA 90025

RE: E200809S6016-00

RODRIGUEZ/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Dear RODRIGUEZ, ELFEGO:

NOTICE OF CASE CLOSURE

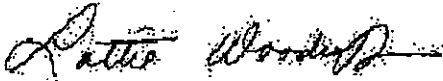
This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 27, 2009 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff".

Lottie Woodruff
District Administrator

cc: Case File

MARGARITA CAMPOS
CITY CLERK
CITY OF BURBANK
275 EAST OLIVE AVENUE
BURBANK, CA 91510

EXHIBIT "H"

STEVEN V. RHEUBAN
SOLOMON E. GRESSEN

LAW OFFICES OF
RHEUBAN & GRESSEN
1990 SOUTH BUNDY DRIVE
SUITE 540
LOS ANGELES, CALIFORNIA 90025
TELEPHONE: (310) 979-0325
FACSIMILE: (310) 979-0351

STEVEN M. CISCHE
JOSEPH M. LEVY

09 MAY 28 PM 3:45

May 27, 2009

CITY CLERK
CITY OF BURBANK

VIA HAND DELIVERY

Ms. Margarita Campos, City Clerk
Office of the City Clerk
City of Burbank
275 East Olive Avenue
Burbank, California 91510-6459

CITY OF BURBANK / BURBANK POLICE DEPARTMENT CLAIM FOR DAMAGES
California Government Code §§ 910 et Seq.

1. **Claimants:** The name and post office address of the Claimant is as follows: *California Government Code § 910(a).*

Elfago Rodriguez
c/o Law Offices of Rheuban & Gresen
1990 South Bundy Drive, Suite 540
Los Angeles, California 90025
Telephone (310) 979-0325
Facsimile (310) 979-0351
2. **Notices:** The post office address to which the person presenting the Claim desires notices to be sent is as follows: *(California Government Code § 910(b).)*

c/o Solomon E. Gresen, Esq.
Law Offices of Rheuban & Gresen
1990 South Bundy Drive, Suite 540
Los Angeles, California 90025
Telephone (310) 979-0325
Facsimile (310) 979-0351
3. **Description:** The date, place and other circumstances of the occurrence or transaction which gave rise to the Claim asserted are as follows: *(California Government Code § 910(c).)*

Between June 2004 and the present, and continuing, the City of Burbank and the Burbank Police Department, and their officers, employees, servants, and agents, without limitation, engaged in illegal and otherwise wrongful conduct including, without limitation, harassment and

Claim for Damages

May 27, 2009

Page: 2

discrimination based on race, color, and national ancestry, among other things, and retaliation for opposing unlawful harassment and discrimination. This conduct created a hostile work environment in the City of Burbank and the Burbank Police Department. Further, the City of Burbank and the Burbank Police Department failed to take reasonable steps to prevent harassment, discrimination and retaliation from occurring, and also refused to take prompt remedial action upon learning of specific instances of harassment, discrimination and retaliation, among other things.

4. Damages: A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the Claim is as follows: (*California Government Code § 910(d).*)

Claimant has been damaged in his career, and health, mind and body, and has suffered a loss of earnings, future earnings and earning capacity.

5. Names: The name or names of the public employee or employees causing the injury, damage, or loss. (*California Government Code § 910(e).*)

Claimant is informed and believes that the public employee or employees causing his injury, damage, or loss include, without limitation, Tim Stehr and Kelly Frank, among others.

6. Amount: The amount claimed exceeds ten thousand dollars (\$10,000.00). Accordingly, no dollar amount shall be included in the Claim. However, it shall indicate whether the claim would be a limited civil case. (*California Government Code § 910(f).*)

The amount claimed exceeds \$10,000.00. The total amount due to Claimant is presently unknown, but believed to be in excess of the minimum jurisdictional limits of the Court of Unlimited Jurisdiction.

LAW OFFICES OF RHEUBAN & GRESEN

SOLOMON E. GRESEN

Attorney for Claimant, Elfago Rodriguez

SEG/dj



CITY OF BURBANK
OFFICE OF THE CITY ATTORNEY
275 East Olive Avenue • P.O. Box 6459 • Burbank, California 91510-6459
818.238.5700 • 818.238.5724 FAX

DENNIS A. BARLOW
City Attorney

JULI CHRISTINE SCOTT
Chief Assistant City Attorney

VIA US CERTIFIED MAIL

July 10, 2009

Writers Direct Dial
(818)238-5707

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

Re: Claim of Elfego Rodriguez

Dear Mr. Gresen and Mr. Rheuban:

Notice is hereby given that the claim which you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred within six months of the date of filing, is being denied. With respect to that portion of your claim that has been denied, the following Warning is given:

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

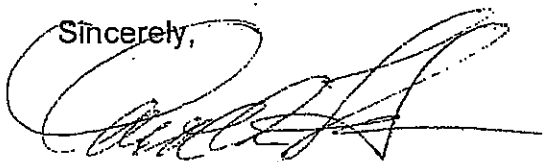
Notice is further given that the claim you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred more than six months before the date of filing, is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on that portion of the claim.

Your only recourse at this time is to apply without delay to the City of Burbank for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

July 10, 2009
Page 2

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carol Ann Humiston', written over a circular stamp or seal.

Carol Ann Humiston
Senior Assistant City Attorney

PROOF OF SERVICE
F.R.C.P. 5 / C.C.P. 1013a(3) / Rules of Court, Rule 2060

I am a resident of, or employed in the County of Los Angeles, State of California. I am over the age of 18 years old and not a party to the within action. My business address is 275 E. Olive Avenue, Burbank, California 91502.

On July 10, 2009, I served the following listed document(s), **Notice of Denial and Return of Government Claim** by method indicated below, on the party in this action:

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

<input checked="" type="checkbox"/> BY U.S. MAIL By placing XX the original / <input type="checkbox"/> a true copy thereof enclosed in a sealed envelope(s), with postage prepaid, addressed as per the attached service list, for collection and mailings at the City of Burbank in Burbank, California following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of the document for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day in the ordinary course of business. I am aware that upon motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in this affidavit.	<input type="checkbox"/> BY ELECTRONIC SERVICE (via electronic filing service provider) By electronically transmitting the document(s) listed above to LexisNexis File and Serve, an electronic filing service provider, at www.fileandserve.lexisnexis.com pursuant to the Court's Order mandating electronic service. See Cal.R.Ct.R. 2053, 2055, 2060. The transmission was reported as complete and without error.
<input type="checkbox"/> BY OVERNIGHT DELIVERY By delivering the document(s) listed above in a sealed envelope designated by the express service carrier, with delivery fees paid or provided for, addressed as per the above service list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to receive documents.	<input type="checkbox"/> BY ELECTRONIC SERVICE (to individual person) By electronically transmitting the document(s) listed above to the email address(es) of the person(s) set forth on the attached service list. The transmission was reported as complete and without error. See Rules of Court, rule 2060.
<input type="checkbox"/> BY PERSONAL SERVICE <input type="checkbox"/> By personally delivering the document(s) listed above to the offices at the addressee(s) as shown on the attached service list. <input type="checkbox"/> By placing the document(s) listed above in a sealed envelope(s) and instructing a registered process server to personally deliver the envelope(s) to the offices at the address(es) set forth on the attached service list. The signed proof of service by the registered process server is attached.	<input type="checkbox"/> BY FACSIMILE By transmitting the document(s) listed above from City of Burbank-City Attorney's Office in Burbank, California to the facsimile machine telephone number(s) set forth on the attached service list. Service by facsimile transmission was made pursuant to agreement of the parties, confirmed in writing.

☒ **STATE** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
☐ **FEDERAL** I declare under penalty of perjury under the laws of the United States that I am employed in the office of a member of the bar of this court at whose direction the service is made.

Executed July 10, 2009, at BURBANK, CALIFORNIA.

Lusine Arutyunyan
Type or Print Name


Signature

EXHIBIT "I"

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

DFE

E200809R6008-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.)

TELEPHONE NUMBER (INCLUDE AREA CODE)

CHILDS, JAMAL

(310)979-0325

ADDRESS

C/O RHEUBAN & GRESIN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP

LOS ANGELES, CA 90025

COUNTY

LOS ANGELES

COUNTY CODE

037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

CITY OF BURBANK / BURBANK POLICE DEPARTMENT

TELEPHONE NUMBER (Include Area Code)

(818)238-3000

ADDRESS

200 N. THIRD STREET

DFEH USE ONLY

CITY/STATE/ZIP

BURBANK, CA 91502

COUNTY

LOS ANGELES

COUNTY CODE

037

NO. OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

05/27/2009

RESPONDENT CODE

00

THE PARTICULARS ARE:

**I allege that on about or before
05/27/2009, the following
conduct occurred:**

☐ termination

☐ laid off

☐ demotion

☒ harassment

☐ genetic characteristics testing

☐ constructive discharge (forced to quit)

☐ impermissible non-job-related inquiry

☐ denial of employment

☒ denial of promotion

☐ denial of transfer

☐ denial of accommodation

☒ failure to prevent discrimination or retaliation

☒ retaliation

☒ other (specify) Hostile Work Environment / Discrimination

☐ denial of family or medical leave

☐ denial of pregnancy leave

☐ denial of equal pay

☐ denial of right to wear pants

☐ denial of pregnancy accommodation

by **CITY OF BURBANK / BURBANK POLICE DEPARTMENT**

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

because of :

☐ sex

☐ age

☐ religion

☒ race/color

☒ national origin/ancestry

☐ marital status

☐ sexual orientation

☐ association

☐ disability (physical or mental)

☐ medical condition (cancer or

generic characteristic

☒ other (specify) Retaliation for engaging in protected activity

☒ retaliation for engaging in protected

activity or requesting a protected

leave or accommodation

State of what you
believe to be the
reason(s) for
discrimination

RACE, COLOR, NATIONAL ORIGIN/ANCESTRY, AND IN RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY, AMONG OTHER THINGS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **05/27/2009**

At **Los Angeles**

DATE FILED: **05/27/2009**

DFEH-300-030 (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 West 7th Street, Suite 1400

(213) 439-6770

www.dfeh.ca.gov



May 27, 2009

RE: E200809R6008-00

CHILDS/CITY OF BURBANK / BURBANK POLICE DEPARTMENT**NOTICE TO COMPLAINANT'S ATTORNEY**

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filing a private lawsuit in the State of California.

Sincerely,

A handwritten signature in cursive script that reads "Tina Walker".

Tina Walker
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 West 7th Street, Suite 1400
(213) 439-6770
www.dfeh.ca.gov



May 27, 2009

CHILDS, JAMAL
C/O RHEUBAN & GRESSEN, 1990 S. BUNDY DR., STE. 540
LOS ANGELES, CA 90025

RE: E200809R6008-00
CHILDS/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Dear CHILDS, JAMAL:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 27, 2009 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,



Tina Walker
District Administrator

cc: Case File

MARGARITA CAMPOS
CITY CLERK
CITY OF BURBANK
275 EAST OLIVE AVENUE
BURBANK, CA 91510

EXHIBIT "J"



CITY OF BURBANK
OFFICE OF THE CITY ATTORNEY

275 East Olive Avenue • P.O. Box 6459 • Burbank, California 91510-6459
818.238.5700 • 818.238.5724 FAX

DENNIS A. BARLOW
City Attorney

JULI CHRISTINE SCOTT
Chief Assistant City Attorney

VIA US CERTIFIED MAIL

July 10, 2009

Writers Direct Dial
(818)238-5707

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

Re: Claim of Jamal Childs

Dear Mr. Gresen and Mr. Rheuban:

Notice is hereby given that the claim which you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred within six months of the date of filing, is being denied. With respect to that portion of your claim that has been denied, the following Warning is given:

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Notice is further given that the claim you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred more than six months before the date of filing, is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on that portion of the claim.

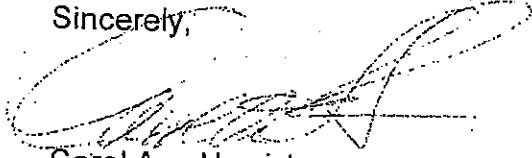
Your only recourse at this time is to apply without delay to the City of Burbank for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

July 10, 2009

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You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,

A handwritten signature in dark ink, appearing to read "Carol Ann Humiston", written over a horizontal line.

Carol Ann Humiston
Senior Assistant City Attorney

STEVEN V. RHEUBAN
SOLOMON E. GRESSEN

LAW OFFICES OF
RHEUBAN & GRESSEN
1990 SOUTH BUNDY DRIVE
SUITE 540
LOS ANGELES, CALIFORNIA 90025
TELEPHONE: (310) 979-0325
FACSIMILE: (310) 979-0351

RECEIVED
STEVEN MICISCHKE
JOSEPH M. LEVY
09 MAY 28 PM 3:45

CITY CLERK
CITY OF BURBANK

May 12, 2009

VIA HAND DELIVERY

Ms. Margarita Campos, City Clerk
Office of the City Clerk
City of Burbank
275 East Olive Avenue
Burbank, California 91510-6459

CITY OF BURBANK / BURBANK POLICE DEPARTMENT CLAIM FOR DAMAGES
California Government Code §§ 910 et Seq.

1. Claimants: The name and post office address of the Claimant is as follows: *California Government Code § 910(a).*

Jamal Childs
c/o Law Offices of Rheuban & Gresen
1990 South Bundy Drive, Suite 540
Los Angeles, California 90025
Telephone (310) 979-0325
Facsimile (310) 979-0351

2. Notices: The post office address to which the person presenting the Claim desires notices to be sent is as follows: *(California Government Code § 910(b).)*

c/o Solomon E. Gresen, Esq.
Law Offices of Rheuban & Gresen
1990 South Bundy Drive, Suite 540
Los Angeles, California 90025
Telephone (310) 979-0325
Facsimile (310) 979-0351

3. Description: The date, place and other circumstances of the occurrence or transaction which gave rise to the Claim asserted are as follows: *(California Government Code § 910(c).)*

Between March, 2001, and July, 2008, and continuing, the City of Burbank and the Burbank Police Department, and their officers, employees, servants, and agents, without limitation, engaged in illegal and otherwise wrongful conduct including, without limitation, harassment and discrimination based on race, color, and national ancestry, among other

Claim for Damages

May 27, 2009

Page: 2

things, and retaliation for opposing unlawful harassment and discrimination. This conduct created a hostile work environment in the City of Burbank and the Burbank Police Department. Further, the City of Burbank and the Burbank Police Department failed to take reasonable steps to prevent harassment, discrimination and retaliation from occurring, and also refused to take prompt remedial action upon learning of specific instances of harassment, discrimination and retaliation, among other things.

4. Damages: A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the Claim is as follows: (*California Government Code § 910(d).*)

Claimant has been damaged in his career, and health, mind and body, and has suffered a loss of earnings, future earnings and earning capacity.

5. Names: The name or names of the public employee or employees causing the injury, damage, or loss. (*California Government Code § 910(e).*)

Claimant is informed and believes that the public employee or employees causing his injury, damage, or loss include, without limitation, Tim Stehr, Aaron Kendrick and Darin Ryburn, among others.

6. Amount: The amount claimed exceeds ten thousand dollars (\$10,000.00). Accordingly, no dollar amount shall be included in the Claim. However, it shall indicate whether the claim would be a limited civil case. (*California Government Code § 910(f).*)

The amount claimed exceeds \$10,000.00. The total amount due to Claimant is presently unknown, but believed to be in excess of the minimum jurisdictional limits of the Court of Unlimited Jurisdiction.

LAW OFFICES OF RHEUBAN & GRESEN

SOLOMON E. GRESEN

Attorney for Claimant, Jamal Childs

SEG/dj

PROOF OF SERVICE
F.R.C.P. 5 / C.C.P. 1013a(3)/ Rules of Court, Rule 2060

I am a resident of, or employed in the County of Los Angeles, State of California. I am over the age of 18 years old and not a party to the within action. My business address is 275 E. Olive Avenue, Burbank, California 91502.

On July 10, 2009, I served the following listed document(s), **Notice of Denial and Return of Government Claim** by method indicated below, on the party in this action:

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

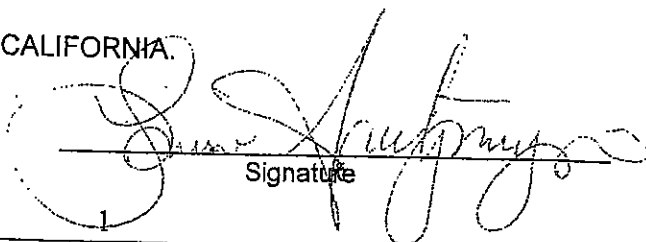
<p><input checked="" type="checkbox"/> BY U.S. MAIL</p> <p>By placing XX the original / <input type="checkbox"/> a true copy thereof enclosed in a sealed envelope(s), with postage prepaid, addressed as per the attached service list, for collection and mailings at the City of Burbank in Burbank, California following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of the document for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day in the ordinary course of business. I am aware that upon motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in this affidavit.</p>	<p><input type="checkbox"/> BY ELECTRONIC SERVICE (via electronic filing service provider)</p> <p>By electronically transmitting the document(s) listed above to LexisNexis File and Serve, an electronic filing service provider, at www.fileandserve.lexisnexis.com pursuant to the Court's _____ Order mandating electronic service. See Cal.R.Ct.R. 2053, 2055, 2060. The transmission was reported as complete and without error.</p>
<p><input type="checkbox"/> BY OVERNIGHT DELIVERY</p> <p>By delivering the document(s) listed above in a sealed envelope designated by the express service carrier, with delivery fees paid or provided for, addressed as per the above service list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to received documents.</p>	<p><input type="checkbox"/> BY ELECTRONIC SERVICE (to individual person)</p> <p>By electronically transmitting the document(s) listed above to the email address(es) of the person(s) set forth on the attached service list. The transmission was reported as complete and without error. See Rules of Court, rule 2060.</p>
<p><input type="checkbox"/> BY PERSONAL SERVICE</p> <p><input type="checkbox"/> By personally delivering the document(s) listed above to the offices at the addressee(s) as shown on the attached service list.</p> <p><input type="checkbox"/> By placing the document(s) listed above in a sealed envelope(s) and instructing a registered process server to personally deliver the envelope(s) to the offices at the address(es) set forth on the attached service list. The signed proof of service by the registered process server is attached.</p>	<p><input type="checkbox"/> BY FACSIMILE</p> <p>By transmitting the document(s) listed above from City of Burbank-City Attorney's Office in Burbank, California to the facsimile machine telephone number(s) set forth on the attached service list. Service by facsimile transmission was made pursuant to agreement of the parties, confirmed in writing.</p>

☒ **STATE** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ **FEDERAL** I declare under penalty of perjury under the laws of the United States that I am employed in the office of a member of the bar of this court at whose direction the service is made.

Executed July 10, 2009, at BURBANK, CALIFORNIA.

Lusine Arutyunyan
Type or Print Name


Signature

Superior Court of the State of California
For the County of Los Angeles

OMAR RODRIGUEZ; CINDY
GUILLEN-GOMEZ, STEVE
KARAGIOSIAN; ELFEGO
RODRIGUEZ; AND JAMAL CHILDS,

Plaintiffs,

vs.

BURBANK POLICE DEPARTMENT;
CITY OF BURBANK; TIM STEHR;
KERRY SCHILF; JAMIE "J.J."
PUGLISI; DAN YADON; KELLY
FRANK; PAT LYNCH; MIKE
PARRINELLO; AARON KENDRICK;
DARIN RYBURN; AND DOES 1
THROUGH 100, INCLUSIVE,

Defendants.

No. BC414602

VOLUME I

DEPOSITION OF STEVE KARAGIOSIAN

Burbank, California

Thursday, November 12, 2009

Reported by: Susan C. Campana,
CSR No. 9573

Riggs Reporting Services

CERTIFIED COURT REPORTERS

2985 East Hillcrest Drive, Suite 209
Thousand Oaks, California 91362
(805) 495-8919 Phone (805) 495-6001 Facsimile

1 of two thousand and -- 2009, when SED was being
2 eliminated, I had a conversation with Captain Lynch, and
10:34:39 3 Elfego Rodriguez was also in the room.

4 Q. Okay. And do you know specifically when in May
5 of 2009 you had this conversation?

10:34:52 6 A. I don't know specifics. I know that May 28th, I
7 believe, 2009, SED was my -- was my last day at SED. So
8 it had to be within the two weeks prior to that.

10:35:05 9 Q. Okay. Do you recall if it was the day after the
10 Burbank Police Officers Association meeting?

11 A. I couldn't tell you that, no.

10:35:12 12 Q. And how long did your conversation with Captain
13 Lynch and Officer Rodriguez take place?

14 A. Anywhere from 10 to 15 minutes.

10:35:27 15 Q. Okay. And what took place in that conversation?

16 A. It was regarding our schedule and where would we
17 want to -- where we wanted to be placed. They asked us
10:35:38 18 if they would accommodate us because SED was being
19 removed -- was moved. And we -- they said based on that,
20 they would take a request where we would want to go.
10:35:52 21 Both Elfego Rodriguez and myself requested going to a
22 Monday, Tuesday, Wednesday schedule for patrol.

23 Q. Days or graveyard?

10:36:03 24 A. We didn't care. We just wanted to go to Monday,
25 Tuesday, Wednesday.

1 Q. Okay. And what did Captain Lynch say?

2 A. I had prior looked at the schedule and noticed

10:36:15 3 that all the patrol spots were full. When I went to

4 Captain Lynch, he told me that we were going to be placed

5 on Thursday, Friday, Saturday, watch three. And when I

10:36:26 6 asked why, he asked me because we had speeder problems on

7 Glenoaks and smoking problems in the Village.

8 Q. What's watch three?

10:36:39 9 A. Watch three is a schedule from 1440, which is

10 2:40, to 03 in the morning.

11 Q. Okay. And -- and what did having speeder

10:36:50 12 problems on Glenoaks refer to?

13 A. I guess speeding problems on Glenoaks. A car

14 speeding.

10:36:56 15 Q. So did you ask, "What does that have to do with

16 me?"

17 A. The conversation was clear. And if you want, I

10:37:01 18 can explain.

19 Q. Well, is the answer to my question "no"?

20 A. I'm sorry. What was the question that you

10:37:06 21 asked?

22 Q. Did you ask, "What does speeder problems on

23 Glenoaks have to do with me?"

10:37:12 24 A. No.

25 Q. Okay. Did you ask, "What does smoking

1 problems in" --
2 Where did you say? In the Village?
10:37:18 3 A. Yes.
4 Q. -- "have to do with me?"
5 A. No.
10:37:21 6 Q. Okay. So what did you -- did you have a state
7 of mind as to what he meant by speeder problems or
8 smoking problems, as to what it meant?
10:37:28 9 A. Yeah. Absolutely.
10 Q. What was your state of mind?
11 A. The state of mind was is -- let me explain to
10:37:31 12 you.
13 SED is a very elite unit. Okay? SED goes out
14 and captures the worst of the worst. SED does a lot of
10:37:47 15 dirty work for capturing fugitives, you know, narcotics
16 suspects. Everything that involves a lot of damage.
17 To have a captain tell me after working a
10:38:03 18 year -- close to two years in SED to go capture speeders
19 on Glenoaks Boulevard and to go catch speed- -- smoking
20 citations in the Village was a complete and utter
10:38:14 21 disrespect issue.
22 Q. Well, this was a shift that was --
23 Was it Thursday, Friday, Saturday, or Friday,
10:38:17 24 Saturday, Sunday?
25 A. Thursday, Friday, Saturday.

1 Q. Okay. And what shift was Aaron Kendrick working
2 in May of '09?

10:41:14 3 A. Since I've been here, he's worked Thursday,
4 Friday, Saturday, day shift, from what I can remember.

5 Q. Okay. And day shift is what? 7:00 to 3:00?

10:41:23 6 A. 0540 to 1800, which is 6:00.

7 Q. And how about Brian Gordon? What shift has he
8 worked since May of '09, as far as you know?

10:41:32 9 A. The same one.

10 Q. And Sam Anderson?

11 A. The same one.

10:41:36 12 Q. And Henry Garay?

13 A. The same one.

14 Q. Okay. So when you worked Thursday, Friday
10:41:40 15 swing, you overlapped an hour --

16 A. Three hours.

17 Q. Three hours. Okay.

10:41:46 18 Since May of '09, have you had any problems on
19 the overlap shifts with Aaron Kendrick?

20 A. Since when? I'm sorry.

10:41:53 21 Q. Since May of '09 when you -- when SED was
22 disbanded.

23 A. No.

10:41:56 24 MR. GRESSEN: Vague and ambiguous as to "problems."

25 THE WITNESS: No.

1 Q. BY MS. SAVITT: Okay. I want you to interpret
2 "problems" broadly. Okay? So --
10:42:01 3 A. Okay. No.
4 Q. Okay. Since May of '09 when SED disbanded, have
5 you had any problems with Brian Gordon?
10:42:08 6 A. No.
7 I just want to mention, since then, Brian
8 Gordon, Sam Anderson, and Henry Garay have been
10:42:12 9 detectives. They don't work that shift anymore.
10 Q. Okay. So then -- okay. Let me go back.
11 You're here every day. You know all these guys.
10:42:24 12 You've put faces to names. You know the shifts. I don't
13 know them. So I'm stumbling along here a little bit. So
14 I'm going to ask you to educate me a little bit.
10:42:35 15 Okay. In May of '09, am I correct that Gordon,
16 Anderson, and Garay were no longer on patrol?
17 A. That's correct.
10:42:36 18 Q. They were detectives?
19 A. That's correct.
20 Q. Okay. So you weren't going to interact with
10:42:43 21 them; right?
22 A. I weren't -- yes. Correct.
23 Q. Now, when you were in SED, did you interact with
10:42:52 24 them when they were in detectives?
25 A. Very minimal.

1 Q. Okay. Any problems with them when you were in
2 SED?
10:42:57 3 A. No.
4 Q. Okay. So the only person as of May of 2009, if
5 I understand you correctly, that you wanted to avoid, was
10:43:13 6 Aaron Kendrick?
7 A. That's correct.
8 Q. Okay. And it was because of Aaron Kendrick you
10:43:20 9 asked to go to Monday, Tuesday, Wednesday?
10 A. Combination of. Yes.
11 Q. What else were the factors that you wanted to go
10:43:26 12 to Monday, Tuesday, Wednesday?
13 A. My personal reasons. My, you know, family
14 reasons. You know, the schedule was better for me, and
10:43:37 15 the combination if -- of that officer being there, I
16 picked Monday, Tuesday, Wednesday.
17 Q. Okay. And -- but you saw that that schedule was
10:43:45 18 filled?
19 A. The whole entire patrol schedule was filled,
20 yes.
10:43:50 21 Q. For Monday, Tuesday, Wednesday?
22 A. For the whole entire deployment for the whole
23 entire patrol division, there was no openings. There
10:44:02 24 were no vacancies, I guess, if that's the correct way of
25 putting it.

↑
1 Q. Okay. And did E. Rod also request Monday,
2 Tuesday, Wednesday?
10:44:07 3 A. That's correct.
4 Q. You guys wanted to work together?
5 A. Not necessarily. Because we said Monday,
10:44:13 6 Tuesday, Wednesday any shift.
7 Q. Okay.
8 A. So it is possible I could have gone to
10:44:17 9 graveyard, and it is possible he could have gone to day
10 shift.
11 Q. Okay. What did he end up going to?
10:44:22 12 A. Thursday, Friday, Saturday, watch three.
13 Q. Same as you?
14 A. Correct.
10:44:29 15 Q. Okay. Now, you've heard the expression
16 "Jurassic Park"?
17 A. Yes, I have.
10:44:32 18 Q. And what does that refer to?
19 A. Monday, Tuesday, Wednesday 0540 to 1800, which
20 is 8:00 -- 6:00 at night, the senior officers that work
10:44:45 21 that shift.
22 Q. Okay.
23 A. I guess it's the top 15, I guess, that get to
10:44:49 24 pick.
25 Q. Okay. And is that considered the most desirable

1 Anything Monday, Tuesday, Wednesday.

2 Q. Okay. But I thought you said a minute ago,

10:47:12 3 "That wasn't my preference"?

4 A. It has never been my preference. The time that

5 I got moved from SED to patrol, that deployment only is

10:47:23 6 where I wanted to go is Monday, Tuesday, Wednesday.

7 Q. Okay. So what is your current assignment?

8 A. Patrol.

10:47:27 9 Q. And what shift?

10 A. Monday, Tuesday, Wednesday, watch three.

11 Q. Okay. When did it get switched to Monday,

10:47:35 12 Tuesday, Wednesday, watch three?

13 A. I don't know the exact dates. I think we've

14 been on this deployment for about two months.

10:47:46 15 Q. So that would be August?

16 A. I -- I think August 26th or 27th is usually the

17 end of the summer deployment, but I don't know what the

10:47:56 18 fill is this time around.

19 Q. Okay. So you worked watch three Tuesday --

20 Thursday, Friday, Saturday from May 28, 2009,

10:48:08 21 approximately, to August?

22 A. That's correct.

23 Q. So one deployment?

10:48:14 24 A. Yes. A little less because the deployment's a

25 little longer, I believe. I came in a month later.

1 Q. You came in mid deployment?

2 A. A month -- a quarter in.

10:48:25 3 Q. Okay. Okay. And so, then, the next deployment,

4 you got what you wanted; right?

5 A. Correct.

10:48:33 6 Q. Okay. So did Captain Lynch tell you when he

7 assigned you to Tuesday -- to Thursday, Friday, Saturday

8 anything about, "We're going to try to get you Monday,

10:48:44 9 Tuesday, Wednesday on your next deployment"?

10 A. No. Not that I recall.

11 Q. Okay. Why did you think that going in mid

10:48:55 12 deployment to Thursday, Friday, Saturday, swing shift,

13 was retaliatory for sending a brow down video years

14 before?

10:49:04 15 MR. GRESEN: Objection. Legal conclusion. Expert

16 opinion. Speculation. Foundation. Calls for

17 application of law to fact in violation of Rifkin v.

10:49:11 18 Superior Court.

19 Based upon your belief of retaliation, you may

20 answer.

10:49:16 21 Do you remember the question?

22 THE WITNESS: Yes.

23 Because there's no other reason to put me there.

10:49:22 24 Q. BY MS. SAVITT: Did you -- but you never asked

25 Captain Lynch what was his reason?

1 A. He told us his reasoning.
2 Q. Okay. But why did you think with the two-year
10:49:31 3 gap that they were linked together?
4 MR. GRESEN: Argumentative.
5 THE WITNESS: This is --
10:49:36 6 You want me to answer?
7 MR. GRESEN: Answer.
8 THE WITNESS: That's the culture of this department.
10:49:41 9 Q. BY MS. SAVITT: Okay. Do you have any specific
10 facts or information or knowledge that it was linked to
11 that?
10:49:46 12 A. No.
13 Q. Okay. Now, is Neil Gunn, Jr., one of your close
14 friends on the department?
10:50:16 15 MR. GRESEN: Vague.
16 Define "close friend."
17 Q. BY MS. SAVITT: Do you consider Neil Gunn, Jr.,
10:50:24 18 more than a coworker, but a friend?
19 A. I consider him a friend, yes.
20 Q. Okay. How about Joshua Kendrick?
10:50:29 21 A. Yes.
22 Q. How about Kirk Davis?
23 A. He's just a coworker.
10:50:36 24 Q. And what's Kirk Davis's position?
25 A. He's a jailer.

1 Q. But you get along with him okay?

2 A. Yeah.

10:50:42 3 Q. And who is John Pfrommer?

4 A. He's just a coworker is all.

5 Q. You don't consider him a friend?

10:50:53 6 A. Yeah. He's -- well, no. He's a coworker.

7 Q. Just a coworker?

8 A. Yeah.

10:50:59 9 Q. So when you consider Josh Kendrick and Neil

10 Gunn, Jr., friends, do you socialize with them away from

11 work?

10:51:06 12 A. Yes.

13 Q. Okay. And do you do things as families

14 together?

10:51:13 15 A. Yes.

16 Q. Okay. You started with the department what?

17 July 20, 2004?

10:51:19 18 A. That's correct.

19 Q. And before that, you were with the sheriff's

20 department in Orange County?

10:51:23 21 A. Yes.

22 Q. How long were you in the sheriff's department?

23 A. I want to say four years and six months almost

10:51:29 24 to the date.

25 Q. And what was your assignment in the sheriff's

1 of Phoenix in international business.

2 Q. And when did you get the MBA?

10:54:20 3 A. 2003.

4 Q. So before you came to the department?

5 A. That's correct.

10:54:25 6 Q. Okay. You're bilingual?

7 A. That's correct.

8 Q. And your second language is Armenian?

10:54:28 9 A. That's correct.

10 Q. And did you receive a bilingual bonus at the

11 beginning -- close to the beginning of your employment

10:54:38 12 with the Burbank Police Department?

13 A. No.

14 Q. Did you ever receive a bilingual bonus?

10:54:42 15 A. Yes.

16 Q. When did you first get that?

17 A. I don't know the exact date. There was some

10:54:50 18 kind of maximum capacity of bilingual officers they could

19 pay. I don't know what the -- the specs on that are.

20 But eventually after a year, year and a half or so, I got

10:54:59 21 paid.

22 Q. Okay. And your second language is Armenian?

23 A. That's correct.

10:55:07 24 Q. And when you got the bilingual bonus, did you

25 consider that discriminatory?

↑
1 MR. GRESEN: Foundation. Speculation. Calls for a
2 legal conclusion, expert opinion. Violates Rifkin v.
10:55:18 3 Superior Court. Seeks application of law to fact.
4 As to your belief, you may respond.
5 THE WITNESS: No.
10:55:30 6 Q. BY MS. SAVITT: Okay. Now, you testified that
7 you had issues with Henry Garay.
8 What were your issues with Henry Garay?
10:55:43 9 A. Do you want me to go through all of them, I
10 guess? It's going to be long.
11 Q. Yeah.
10:55:47 12 MR. GRESEN: Answer the question.
13 Q. BY MS. SAVITT: We can be here for days,
14 Officer. It's your deposition. So tell me what you want
10:55:54 15 to tell me.
16 A. Okay. My issues with Henry -- with Henry Garay
17 specifically were unnecessary rumors that were not true.
10:56:08 18 Conversation regarding Armenian background. Calling me
19 different Armenian names. Any legal Armenian name that
20 you can think of, I've been called. Arresting an
10:56:22 21 Armenian guy, telling me that he arrested my dad, my
22 sister, my brother, my aunt, my uncle.
23 If I did something, it was always
10:56:32 24 second-guessing. They -- they made comments that I was a
25 dirty cop because I was arresting people. They told me

1 Q. BY MS. SAVITT: Okay. So after Sergeant Gunn
2 left SED, did SED also participate in Obama security at
11:51:11 3 NBC?
4 A. Yes.
5 Q. Okay. And were you involved in translating
11:51:21 6 witness interviews in the Jacaranda murder?
7 A. Witness interview.
8 Q. Just one?
11:51:23 9 A. (No audible response.)
10 Q. Do you remember the name of -- of the individual
11 that you -- whose interview you translated?
11:51:38 12 A. Agasi Simonian.
13 Q. Now, was the victim in the Jacaranda Avenue
14 murder Armenian?
11:51:43 15 A. Yes.
16 Q. And were the witnesses primarily Armenian?
17 A. The one witness, yes.
11:51:50 18 Q. Okay. And was the suspect Armenian?
19 A. Yes.
20 Q. Okay.
11:51:52 21 A. Suspects.
22 Q. Suspects. Okay.
23 Did they ever make an arrest in that murder?
11:51:58 24 A. Yes.
25 Q. How many murders a year does Burbank have?

1 THE WITNESS: Yes.

2 Q. BY MS. SAVITT: How do you know whose idea it

12:00:07 3 was to disband SED?

4 A. Lieutenant Dermenjian told me.

5 Q. Okay. And what did Lieutenant Dermenjian tell

12:00:11 6 you?

7 A. He told me that the chief disbanded SED.

8 Q. Did he tell you that he recommended it be

12:00:20 9 disbanded?

10 A. No.

11 Q. Okay. Let's go through a little bit of your

12:00:30 12 career.

13 Am I correct that in approximately the summer of

14 2006, you were made an acting field training officer for

12:00:45 15 Josh Kendrick?

16 A. That's not correct.

17 Q. Okay. What's wrong about that?

12:00:52 18 A. I wasn't an acting field training officer. I

19 was a temporary training officer.

20 Q. Okay. What's the difference, in your mind,

12:00:58 21 between acting and temporary?

22 A. They didn't have anybody there because his

23 training officer had left or gone or was injured or

12:01:07 24 something. So they -- they had him ride with me.

25 Q. Okay. So you acted as a temporary field

1 training officer; correct?

2 A. Yes.

12:01:15 3 Q. And did you get an increase in pay for that?

4 A. I don't think so.

5 Q. Okay. Did you think it was discriminatory when

12:01:23 6 they made you a temporary field training officer?

7 MR. GRESSEN: Objection. Calls for a legal conclusion

8 or expert opinion. Lacks --

12:01:30 9 THE COURT REPORTER: "Legal conclusion," and I didn't

10 hear you.

11 MR. GRESSEN: Or expert opinion. Lacks foundation.

12:01:35 12 Calls for speculation. Seeks application of law to fact

13 in violation of Rifkin v. Superior Court.

14 However, you may answer as to your belief only.

12:01:43 15 Do you have in mind the question?

16 THE WITNESS: Can you repeat it, please.

17 (Record read.)

12:01:57 18 THE WITNESS: No.

19 Q. BY MS. SAVITT: Okay. At some point you were

20 officially promoted to field training officer; is that

12:02:04 21 correct?

22 A. That's correct.

23 Q. That was in approximately January of '07?

12:02:07 24 A. That's correct.

25 Q. Did you think it was discriminatory when you

1 were promoted to field training officer?

2 MR. GRESEN: Objection. Legal conclusion. Expert
12:02:18 3 opinion. Lacks foundation. Calls for speculation.
4 Seeks application of law to fact in violation of Rifkin
5 v. Superior Court.

12:02:25 6 However, based upon your belief, you may answer
7 the question.

8 Do you have the question in mind?

12:02:29 9 THE WITNESS: Yes.
10 No.

11 Q. BY MS. SAVITT: Okay. At some point did you
12:02:38 12 also get appointed to the crisis -- as a crisis hostage
13 negotiator?

14 A. Yes.

12:02:43 15 Q. And what was the process by which that
16 appointment came about, if you know?

17 A. I turned in a memo.

12:02:52 18 Q. So you put in a notice of intent or request or
19 something?

20 A. Yeah.

12:02:57 21 Q. Was it an application, or is it just a notice,
22 "I'm interested"?

23 A. It's a memo of interest, I guess. Something
12:03:03 24 like that.

25 Q. Okay. And when you were appointed a crisis

↑
12:03:14 1 hostage negotiator, did you think that was an act of
2 discrimination?
3 MR. GRESEN: Objection. Legal conclusion and/or
4 expert opinion. Lacks foundation. Calls for
5 speculation. Seeks application of law to fact in
12:03:21 6 violation of Rifkin v. Superior Court.
7 As to your belief, you may answer.
8 THE WITNESS: No.
12:03:25 9 MR. GRESEN: Do you have in mind the question?
10 THE WITNESS: Yes.
11 No.
12:03:29 12 MS. SAVITT: Okay. Well, Sol, when you say, "Do you
13 have in mind the question?" you really foul it up because
14 I don't know if he's answering that question or my
12:03:34 15 question.
16 MR. GRESEN: Okay. Please answer the question.
17 MS. SAVITT: So please don't do that.
12:03:44 18 Read -- read my question back, please.
19 And you can -- why don't you just say "Rifkin
20 objection." Then we don't have to do this whole, long
12:03:44 21 type of thing.
22 MR. GRESEN: No. I'd like to state them specifically
23 because we're going to be arguing about this in the
12:03:50 24 future as to --
25 MS. SAVITT: It's not a Rifkin objection, by the way,

1 you know. But you can --

2 Read my question back, please.

12:03:57 3 (Record read.)

4 THE WITNESS: No.

12:04:24 5 Q. BY MS. SAVITT: Now, is it true that in March of
6 2007, you were nominated or selected by the command staff
7 at Burbank Police Department as Burbank police officer of
8 the year?

12:04:28 9 A. That's correct.

10 Q. Did you think that was an act of discrimination?
11 MR. GRESSEN: Objection. Calls for a legal conclusion
12 or expert opinion. Lacks foundation. Speculation.
13 Seeks application of law to fact in violation of Rifkin
14 v. Superior Court.

12:04:43 15 As to your belief, you may answer.

16 THE WITNESS: Well, I want to recant that answer that
17 I said "yes." I don't know who nominated me. I don't
18 know if it was the command staff. I don't know who did
19 it.

20 Q. BY MS. SAVITT: But you know you were nominated?

12:04:55 21 A. Yes.

22 Q. Okay.

23 MR. GRESSEN: So would you read back the question
12:04:59 24 subject to my objection, please.

25 (Record read.)

12:05:17
12:05:22
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THE WITNESS: No.

Q. BY MS. SAVITT: Okay. And did you receive an award by the Burbank Elks Lodge as officer of the year in November of 2007?

A. Yes.

Q. Did you think that was an act of discrimination?

A. No.

MR. GRESEN: Objection. Calls for a legal conclusion, expert opinion. Lacks foundation. Calls for speculation. Seeks application of law to fact in violation of Rifkin v. Superior Court.

As to your belief, you may answer.

THE WITNESS: No.

Q. BY MS. SAVITT: Okay. Now, you applied for SED in 2007; is that correct?

A. Yes.

Q. Did you get interviewed?

A. Yes.

Q. And you came out No. 2 on the list?

A. That's correct.

Q. And did you think coming out No. 2 on the list was an act of discrimination?

MR. GRESEN: Objection. Legal conclusion. Expert opinion. Speculation. Foundation. Seeks application of law to fact in violation of Rifkin v. Superior Court.

1 As to your belief, you may answer.

2 THE WITNESS: No.

12:06:13 3 Q. BY MS. SAVITT: Okay. And when you were
4 assigned to SED in August, did you think that was an
5 act -- 2007, did you think that was an act of
12:06:21 6 discrimination?

7 MR. GRESEN: Objection. Legal conclusion. Expert
8 opinion. Foundation. Speculation. Violates Rifkin v.
12:06:29 9 Superior Court.

10 As to your belief, you may answer.

11 THE WITNESS: No.

12:06:39 12 Q. BY MS. SAVITT: Now, this morning you
13 returned -- you produced some documents at your
14 deposition. One of them is a September 9, 2009, memo
12:06:50 15 from Chief Stehr to you regarding an internal affairs
16 investigation dated June 27, 2009. According to that
17 document, you were exonerated from that internal affairs
12:07:00 18 investigation.

19 A. I don't need to see it.

20 Q. You know what it is?

12:07:03 21 A. Yes.

22 Q. Okay. Did you think that was an act of
23 discrimination when you were exonerated in that internal
12:07:11 24 affairs investigation?

25 MR. GRESEN: Objection. Calls for a legal opinion,

1 expert opinion. Lacks foundation. Speculation. Seeks
2 application of law to fact in violation of Rifkin v.
12:07:20 3 Superior Court.

4 As to your belief, you may answer.

5 THE WITNESS: No.

12:07:25 6 Q. BY MS. SAVITT: Okay. Over the course of your
7 career as a police officer with the Burbank Police
8 Department, an internal affairs investigation has from
12:07:35 9 time to time been opened up against you; correct?

10 A. That's correct.

11 Q. Let's leave out the one that's currently active
12:07:42 12 relative to the Porto's Bakery investigation.

13 Have any of them been found to be sustained?

14 A. Yes.

12:07:56 15 Q. How many?

16 A. One.

17 Q. And was that for failure to advise the
12:08:04 18 communications center of a traffic stop?

19 A. Yes.

20 Q. Okay. Were you wrong in that particular case?

12:08:11 21 MR. GRESEN: Objection. Vague. Ambiguous.

22 You may answer as to your understanding of the
23 question.

12:08:14 24 THE WITNESS: Yes and no.

25 Q. BY MS. SAVITT: Okay. Did you agree with the

1 department's findings that it was sustained?

2 A. Yes and no.

12:08:24 3 Q. Okay. Did you think that the finding that it

4 was sustained was an act of discrimination?

5 MR. GRESSEN: Objection. Calls for a legal conclusion

12:08:33 6 or expert opinion. Foundation. Speculation. Seeks

7 application of law to fact in violation -- violation of

8 Rifkin v. Superior Court.

12:08:41 9 As to your belief, you may answer.

10 THE WITNESS: No.

11 Q. BY MS. SAVITT: Okay. Since you don't think it

12:08:48 12 was an act of discrimination, I don't have to go into why

13 it was or was not.

14 Any other IAs you've ever been -- let me -- let

12:08:53 15 me rephrase the question.

16 Even though you've been the subject of a number

17 of IAs, all of the rest of them you have either been not

12:09:04 18 sustained, exonerated, or found to be unfounded; correct?

19 A. From what I can remember, yes.

20 Q. Yes. Okay.

12:09:10 21 So do you think any of the IAs that ever were

22 done on you were discriminatory?

23 MR. GRESSEN: Vague. Ambiguous. Overbroad.

12:09:19 24 Compound. Expert opinion. Legal conclusion.

25 Foundation. Speculation. Seeks application of law to

1 fact in violation of Rifkin v. Superior Court.
2 As to your belief, you may answer.
12:09:28 3 THE WITNESS: No.
4 Q. BY MS. SAVITT: Okay. Recently you took an --
5 you submitted an application for the FTO process?
12:09:40 6 A. Uh-huh.
7 Q. Yes?
8 A. Yes.
12:09:45 9 Q. And in October of 2009, you came out No. 3 in
10 that ranking; correct?
11 A. Yes.
12:09:48 12 Q. You produced the document here this morning;
13 right?
14 A. Yes.
12:09:53 15 Q. Do you think your ranking in that FTO process is
16 discriminatory?
17 MR. GRESEN: Foundation. Speculation. Expert
12:09:58 18 opinion. Legal conclusion. Seeks application of law to
19 fact in violation of Rifkin v. Superior Court.
20 As to your belief, you may answer.
12:10:04 21 THE WITNESS: Yes.
22 Q. BY MS. SAVITT: And why?
23 A. Because the individual that scored No. 1
12:10:18 24 absolutely deserved it. The individual that scored
25 No. 2, I'm hesitant about his position of becoming No. 2.

1 Q. Who came out No. 1?
2 A. Phil Wise.
12:10:37 3 Q. Who came out No. 2?
4 A. Derek Green.
5 Q. And why don't you think Derek Green -- why are
12:10:45 6 you hesitant that Derek Green came out No. 2?
7 A. I like Derek Green. He's a good guy. I like
8 working with him. However, I'm a prior FTO. I gave up
12:11:08 9 my FTO status to go to SED so I can become a better
10 officer as far as investigation goes. I've been a patrol
11 officer and an investigative officer. Combining those
12:11:28 12 two skills and what Sergeant Gunn has taught me, I'm
13 going to tell you that there's only two or three officers
14 in this department that exceed the level of excellence.
12:11:47 15 And having that experience, I believe I should have
16 scored No. 2, if not No. 1.
17 Q. Okay. And how many people interviewed for the
12:11:55 18 position?
19 MR. GRESSEN: Foundation. Speculation.
20 Q. BY MS. SAVITT: If you know.
12:11:58 21 A. I have no idea.
22 Q. How do you know who came 1 and 2?
23 A. They told me.
12:12:05 24 Q. Who told you?
25 A. Lieutenant Berry.

1 after this what we've call the April meeting with
2 Canales, Dermenjian, you, and E. Rod that you complained
12:20:50 3 regarding an incident, and you said that, according to my
4 notes, that Lieutenant Dermenjian said, "The more and
5 more you complain, the less credible you are." Words to
12:20:58 6 that effect.

7 Do you recall generally that incident?

8 MR. GRESEN: I'm going to object as being compound
12:21:03 9 and overbroad.

10 Also, are you asking him is that recitation that
11 you just did what he testified to earlier?

12 MS. SAVITT: No. What I said was, "Do you recall
13 generally that incident?"

14 MR. GRESEN: Subject to my objection, you may answer.

12:21:19 15 THE WITNESS: Yes.

16 Q. BY MS. SAVITT: Okay. So when you testified you
17 had complained about an incident -- okay? -- what was the
12:21:30 18 incident you were referring to that you had complained
19 about?

20 A. I had complained regarding comments -- ethnic
12:21:42 21 comments regarding Armenians that were written on the
22 white board.

23 Q. Okay. And what were the comments?

12:21:52 24 A. I can't tell you specifically -- exactly what
25 they were, but they were five sentences. And it went

1 something like this. "100 percent my friend." "110
2 percent," dot, dot, dot. "95 percent." And it just went
12:22:17 3 on for like five sentences.
4 Q. Okay. And why did you think it had anything to
5 do with Armenians?
12:22:28 6 A. From the time that I've been here in 2004 and
7 from the time that I saw those on the board, and multiple
8 people -- I've mentioned their names -- have said that to
12:22:43 9 me with an accent referring to Armenians almost on a
10 daily basis.
11 Q. Okay. Have you ever heard an Armenian witness
12:22:53 12 or suspect ever say, "100 percent my friend"?
13 A. No.
14 Q. Okay. Was -- were these comments on the comment
12:23:06 15 board related in any way to the Jacaranda Avenue murder?
16 A. No.
17 Q. And how do you know that?
12:23:14 18 A. Because I interviewed the guy who said it. They
19 were not those specific comments that were on the board.
20 Q. You said there were suspects.
12:23:23 21 Did some of the suspects speak English?
22 A. Yes.
23 Q. Okay. Did you interview the English-speaking
12:23:31 24 suspects or just the Armenian-speaking suspect?
25 A. Both.

1 Dermenjian, had you ever said anything to Lieutenant
2 Dermenjian about it?

12:27:51 3 A. No.

4 Q. So the next day when you saw Lieutenant
5 Dermenjian, you didn't mention it to him, your direct
12:27:59 6 report?

7 A. No.

8 Q. And the next day, did you ever mention it to
12:28:03 9 Travis Irving?

10 A. I think I did, yes.

11 Q. Okay. What did you tell Travis Irving?

12:28:10 12 A. I told him that -- what we had seen and the
13 incident, that afterwards I had complained, what
14 happened.

12:28:16 15 Q. And what did Irving say?

16 A. He said that's fine because it was handled
17 properly.

12:28:20 18 Q. Okay. And when you came back to work the next
19 day, were the comments still on the board?

20 A. No. It was erased the day that I complained.

12:28:28 21 Q. Okay. Who erased it?

22 A. I have no idea.

23 Q. Did you go to Lieutenant Rodriguez, the man you
12:28:34 24 complained to, and ask him what happened?

25 A. No, I did not.

1 And he said, "Yes."

2 Q. And what -- did he get back to you?

12:32:01 3 A. The next day or a couple days after, he asked me

4 to come into his office. And he told me that -- that he

5 had contacted the detectives, and detectives had admitted

12:32:15 6 to putting that on the board and that the detectives were

7 going to get hard-carded and that they -- the detectives

8 had explained to them that it was important information

12:32:31 9 to the case that needed to be placed on the white board.

10 Q. Did he tell you who the detectives were?

11 A. No.

12:32:40 12 Q. Is hard-carding the same as getting a comment

13 card?

14 A. I -- I guess, yeah. Probably.

12:32:43 15 Q. Okay.

16 A. Yeah.

17 Q. So did Lieutenant Dermenjian tell you that a

12:32:49 18 comment card had been given on this incident?

19 A. He didn't say it was given. He said they were

20 going to be hard-carded, whatever that meant.

12:32:57 21 Q. Do you have any reason to believe that did not

22 happen?

23 A. I don't know if it happened or not.

12:33:02 24 Q. Do you have any reason to believe it did not

25 happen?

1 true that you have had no issues with Aaron Kendrick in
2 the last three and a half years relative to
14:49:05 3 discrimination or harassment?

4 MR. GRESEN: Okay. As to the discrimination or
5 harassment part, again, foundation, speculation, expert
14:49:16 6 opinion, legal conclusion, Rifkin v. Superior Court,
7 application of law to fact.

8 You may answer as to your understanding.

14:49:20 9 THE WITNESS: I want to clarify something.

10 It's not three and a half years. It's two and a
11 half years.

14:49:25 12 Q. BY MS. SAVITT: Two and a half years.

13 A. Yes.

14 MR. GRESEN: You may answer.

14:49:28 15 THE WITNESS: And no.

16 Q. BY MS. SAVITT: You haven't had any issues;
17 correct?

14:49:32 18 A. Correct.

19 Q. Okay. So what was it two and a half years ago
20 that caused you to make up with Aaron Kendrick?

14:49:55 21 A. Him and I had a discussion where we agreed --
22 disagreed upon a certain topic which got a little heated.
23 He was yelling, and I was yelling. The next day after
14:50:07 24 that discussion, him and I had a cordial, civil,
25 man-to-man conversation to where we both agreed. And

1 from that day on, till this day, we talk.

2 Q. And you get along?

14:50:21 3 A. Yeah.

4 Q. Okay. So I hate to open up an old wound since

5 you've resolved it, but you've filed a lawsuit, and

14:50:33 6 there's been some statements made in the press --

7 A. Absolutely.

8 Q. -- and I need to talk about it. On a personal

14:50:37 9 level, I'm happy you guys have resolved things.

10 A. So am I.

11 Q. Did this relate to when you were up in Fresno at

14:50:46 12 the field training officer school?

13 A. Yes and no.

14 Q. Okay. What's the "yes" part of the answer?

14:50:54 15 A. Yes, it had something to do with it. And no,

16 because it was compounded with a prior issue that him and

17 I had.

14:51:04 18 Q. Okay. What was the prior issue?

19 A. Probably -- I don't know the exact dates. But I

20 want to say I was on probation. I was working day shift.

14:51:22 21 So 2004, maybe 2005, fall of -- no. Spring of 2005.

22 He -- he did something that I didn't agree with, I took

23 very offensive, and he knew it. And from that day

14:51:37 24 forward, we were not on speaking terms.

25 Q. And what was it he did that you took as

1 offensive?

14:51:48 2 A. He drew his duty weapon from his holster and
3 pointed it at me.

4 Q. And where were you when this took place?

14:51:56 5 A. In the Burbank Police Department lower write --
6 lower report writing room.

14:52:04 7 Q. And describe for me exactly what transpired so
8 we can get through this pretty fast and move on to
9 something else.

10 A. Okay. And obviously you're going to ask me to
11 clarify. So --

14:52:11 12 MR. GRESEN: No, no. Just describe for her -- answer
13 the question, please.

14 Q. BY MS. SAVITT: I might ask you to clarify,
14:52:16 15 but --

16 A. Okay. I was sitting in the far computer in
17 front of the men's -- in front of the restroom -- in the
14:52:29 18 lower report writing restroom typing a report. There was
19 two other officers in that room.

20 And Aaron Kendrick walked in, and he
14:52:43 21 continuously, numerous times, withdrew his gun out of his
22 holster and put it back in, withdrew it out, pointed it
23 at me, put it back in, withdrew it, pointed it at me
14:52:51 24 numerous times.

25 I looked over at him, and I continued to type my

1 report. As I was doing so, he was doing that and walking
2 towards me. As I noticed him walking towards me, I
14:53:07 3 looked over at him, and I said, "Hey, you better put that
4 thing away before you get hurt."

5 Q. What did he say?

14:53:20 6 A. He responded, "I'm SRT. I'll put one in your
7 ten ring before you can get out of your chair."

8 Q. And what's a ten ring? Are those the vests that

14:53:27 9 SRT --

10 A. The police silhouette, a target ring. A ten
11 ring would be a perfect shot, I guess.

14:53:36 12 Q. Dead bang?

13 A. Right.

14 Q. Dead bang to the heart?

14:53:38 15 A. Right.

16 Q. Okay.

17 A. I don't think it's the heart. It's like the

14:53:38 18 middle portion of your body?

19 Q. Okay.

20 MR. GRESEN: Indicating his sternum.

14:53:44 21 Q. BY MS. SAVITT: Who were the two other officers
22 that were present?

23 A. I believe -- I don't recall. I believe that it
14:53:54 24 was Sergeant -- I'm sorry, Officer Neil Gunn and Officer
25 Jimenez, at the time Diaz. A female officer that got

1 married.

2 Q. Okay. So after he said, "I'm SRT. I'll put it
14:54:11 3 in your ten ring," what happened next?

4 A. I stood up, and I said, "You're SRT?" And I
5 cussed.

6 And he said, "Yeah."
14:54:19 7 I said, "Look at me, and look at me well." I
8 said, "Look into my eyes." And he -- you could tell that
14:54:30 9 he was shocked that I had done that. And I said, "I
10 don't need a gun. If you want to point that at me, I'll
11 strangle you with my bare hands."

12 Q. And what happened next?
14:54:37 13 A. And he said, "I'm sorry. I didn't mean it that
14 way. I'm sorry," you know. He -- he just goes to me,
14:54:50 15 "I'm sorry. I didn't mean it that way. I'm sorry
16 that" -- something to -- you know, "I'm sorry if I
17 offended you. I'm sorry." And then he picked up his
14:55:23 18 stuff and walked away.

19 MS. SAVITT: Okay. Let's just take a moment break.
20 The court reporter needs to get some water.

21 (Pause in proceedings.)
14:55:24 22 MS. SAVITT: All right. Back on the record.

23 Q. So he did say, "I'm sorry. I didn't mean it
14:55:30 24 that way"?

25 A. Yeah.

1 Q. Okay. And did you think he was joking when he
2 said, "I'm SRT," just like -- that he was bragging about
14:55:36 3 being SRT?
4 A. No.
5 Q. Why not?
14:55:45 6 A. I lateralled from another agency. And it is
7 also department policy of -- I believe of our shots fired
8 policy that we do not remove our firearms from our
14:56:00 9 holsters unless there's threat or unless we plan on using
10 it and we deem necessary to use it.
11 Q. Do you --
14:56:07 12 A. I have --
13 Q. Go on. I'm sorry. I didn't mean to interrupt
14 you.
14:56:13 15 A. I have never ever in my almost ten years of
16 being a cop seen anybody draw their weapons out of their
17 holster inside a building where they did not intend to
14:56:21 18 use it.
19 Q. Okay. Did you report this incident at the time?
20 A. To a supervisor?
14:56:28 21 Q. To anybody.
22 A. Yes.
23 Q. Who did you report it to?
14:56:38 24 A. I reported it to Jamal Childs, Elfego Rodriguez,
25 Neil Gunn. I think that's it.

1 Q. Sergeant Neil Gunn or Officer Neil Gunn?
2 A. Officer Neil Gunn.
14:56:48 3 Q. Well, he was present; right?
4 A. I believe he was, yes.
5 Q. And you reported it to Jamal Childs because he's
14:56:56 6 your buddy?
7 A. (No audible response.)
8 Q. You're good friends with Childs; right?
14:57:01 9 A. At the time, we weren't.
10 Q. Well, why did you pick him to report it to?
11 A. Because we were new, all three of us -- or four
14:57:11 12 of us were new. And what the new guys usually do is
13 everybody sticks together. And that's what it was. I
14 didn't know Elfego. I didn't know Jamal. I didn't know
14:57:21 15 Martha. I didn't know Neil. We were new, and we were
16 all on probation. So everybody kind of helped each other
17 out to get through the probation period.
14:57:21 18 Q. Got it. Okay.
19 Did you ever talk to Martha --
20 It's Jimenez-Diaz?
14:57:27 21 A. Yes.
22 Q. -- about what she saw?
23 A. No.
14:57:34 24 Q. She never -- after -- after Aaron Kendrick left,
25 she never said, "Whoa, what was that?" or something like

1 that?

2 A. They had their back turned --

14:57:41 3 MR. GRESEN: Answer the question.

4 THE WITNESS: No.

5 Q. BY MS. SAVITT: Okay. So this was done kind of

14:57:51 6 in a low-keyed manner?

7 A. No.

8 Q. So why wouldn't they have heard it, then, if it

14:58:00 9 wasn't done in a low-keyed manner and they're in the same

10 room with you?

11 MR. GRESEN: Foundation. Speculation.

14:58:04 12 Q. BY MS. SAVITT: It sounds like it got a little

13 heated. He says, "I'm going to put it in your ten ring,"

14 and you stood up and said, "I'll break your neck with my

14:58:08 15 bare hands," or whatever you said.

16 I mean, you didn't whisper it; right?

17 A. But I didn't yell it either.

14:58:17 18 Q. So what was the next incident between you and

19 Aaron Kendrick?

20 A. Fresno.

14:58:25 21 Q. And that was what? February 2007?

22 A. Yes.

23 Q. Okay. And what happened in that incident?

14:58:37 24 A. We were in the class first or second day. Aaron

25 Kendrick fed off of something that the teacher had said,

1 the instructor. And the last -- the next two days after
2 that, he -- he continued to repeatedly in the classroom
14:58:57 3 mock or make fun of Armenians.

4 Q. Okay. What was it that the teacher said that
5 Aaron Kendrick fed off of?

14:59:05 6 A. Obviously, you know -- or maybe you don't know.
7 There's a lot of Armenians that live in Fresno.

8 When he read my name for roll call, the
14:59:14 9 instructor said, "Are you Armenian?"

10 I said, "Yes, sir."

11 He says, "Hey," he says, "I know you're going to
14:59:22 12 be here for a week, but there's a lot of good Armenian
13 restaurants down here" -- or up here. "So if you ever
14 get homesick, let me know, and I will direct you to a
14:59:31 15 nice restaurant to go to."

16 And I said, "Yes, sir." And that was it.

17 Q. Okay. So what did Aaron Kendrick do about that?

14:59:44 18 A. He didn't do anything about that.

19 Q. Well, you said he fed off of what the teacher
20 said. So --

14:59:50 21 MR. GRESEN: No. I believe you said he fed off of
22 what the teacher said. But --

23 THE WITNESS: I think I said that.

14:59:55 24 MR. GRESEN: Oh, I'm sorry.

25 Q. BY MS. SAVITT: Thank you, Officer Karagiosian.

1 I appreciate that.

2 MR. GRESEN: I misremembered. It happens to the best
15:00:03 3 of us.

4 Q. BY MS. SAVITT: So what did Aaron Kendrick do
5 that fed off of that comment about the good food?

15:00:11 6 A. It wasn't about the food. That gave him like an
7 opening. And from then on, it was comments about
8 Armenians.

15:00:17 9 Q. Okay. What were the comments about Armenians?

10 A. You know, I can't tell you specifically because
11 there was numerous comments, and it lasted approximately
15:00:24 12 two days.

13 Whereas the second day -- we were all seated in
14 the front row in -- in order. Whereas the second day, I
15:00:39 15 separated myself and I moved. I went all the way to the
16 back. And Elfego and Nick Nichols followed me to the
17 back.

15:00:47 18 Q. Okay. As you sit here today, can you tell me
19 one comment that Aaron Kendrick made in the FTO sessions
20 in Fresno?

15:00:58 21 A. Specifically, no.

22 Q. Can you tell me any words he used or phrases he
23 used?

15:01:04 24 A. Yes.

25 Q. Okay. What?

1 A. Something about the odor or smell of Armenians.
2 Q. And you don't know the content?
15:01:16 3 A. No.
4 Q. And did anybody else overhear this?
5 MR. GRESEN: Foundation. Speculation.
15:01:21 6 You may answer.
7 THE WITNESS: If you're asking me that question, I
8 believe the whole class heard it.
15:01:32 9 Q. BY MS. SAVITT: Okay. So anything else that
10 Aaron Kendrick did that --
11 Ultimately there was an altercation between you
15:01:43 12 and Officer Kendrick; right?
13 A. No.
14 Q. There was an incident with you? What would you
15:01:47 15 call it?
16 A. "Altercation" meaning -- we didn't physically
17 get into an altercation, no. We had an argument.
15:01:53 18 Q. Okay. But there was no fighting?
19 A. Absolutely not.
20 Q. Okay. So -- okay. Ultimately there was an
15:01:57 21 argument.
22 Okay. What else other than the comments about
23 Armenians that you can't remember did Aaron Kendrick do
15:02:05 24 that caused this argument?
25 A. That was it.

1 Q. Okay. Are you aware of any other comments that
2 Aaron Kendrick made about you being Armenian prior to
15:02:25 3 this argument you had with him?
4 A. Yes.
5 Q. What was that?
15:02:32 6 A. He called -- well, I'll give you the content of
7 it.
8 He told Henry Garay in the locker room that the
15:02:41 9 only reason why I got the No. 1 position is because I was
10 a towel head and that I spoke Armenian.
11 Q. And how do you know this?
15:02:50 12 A. Because they didn't expect me to be in my
13 locker, and I was in my locker, and they were on the
14 other side of the locker. And it was Henry Garay and him
15:02:58 15 talking in the locker room.
16 Q. And what did Garay say in response?
17 A. I didn't hear Garay say anything.
15:03:09 18 Q. So did you go up to Kendrick at the time you
19 heard this --
20 A. No.
15:03:11 21 Q. -- and say anything to him?
22 A. No.
23 Q. Why not?
15:03:14 24 A. Because we covered it later.
25 Q. But you didn't know you were going to cover it

1 later. So why didn't you do it at the time? You don't
2 seem like a shy guy to me.

15:03:24 3 A. I knew I was going to cover it later.

4 Q. Okay. So how -- how much before you actually
5 covered it did this happen?

15:03:30 6 MR. GRESSEN: Do you understand the question?

7 THE WITNESS: Yeah.

8 Q. BY MS. SAVITT: In other words, you knew you
15:03:39 9 were going to cover it later. So you knew you were going
10 to go to Fresno? So how --

11 A. No.

15:03:43 12 Q. So -- okay. What was the timing?

13 A. Either it was the same day or the next day of
14 the FTO exam because we got our results. And I found out
15:03:58 15 that I was No. 1 on the exam, and I went to my locker.
16 That's when I heard it, in the locker. And shortly
17 after, maybe like a month later, we were sent to FTO
15:04:09 18 school.

19 Q. Okay. So you went to FTO school in February of
20 '07; right?

15:04:22 21 A. I think the end of February.

22 Q. End of February.

23 So this --

15:04:25 24 A. I think it was like February 22nd or something
25 like that. The week of.

1 Q. Okay. So this was the end of January?
2 A. I think the FTO exam was the end of January,
15:04:41 3 yes.
4 Q. Okay. So if you knew you were going to cover it
5 later, what did you think you were going to do to cover
15:04:49 6 it later?
7 A. I wasn't going to do it in the workplace.
8 Q. Okay. So what were you planning on doing?
15:04:59 9 A. When I saw him outside of work or talked to him
10 on the phone, I was going to tell him.
11 Q. Okay. So, then, what happened that caused the
15:05:12 12 argument in February 2007 in Fresno?
13 MR. GRESEN: Asked and answered.
14 You can answer again.
15:05:18 15 Q. BY MS. SAVITT: What precipitated the argument?
16 A. We sat in the car when the class was over, and
17 we were driving back to our hotel room. And he made some
15:05:27 18 comments about Henry Garay.
19 Q. And what did he say about Henry Garay?
20 A. You know, I don't -- I don't know exactly what
15:05:35 21 was said. It was a disrespectful comment. And the
22 reason I say that is because they're -- they're good
23 friends. At the time, they were good friends.
15:05:44 24 Q. Are they still good friends to your knowledge?
25 A. I have no idea.

1 Q. Okay. But you don't remember what he said?
2 A. No.
15:05:49 3 Q. Was he joking?
4 MR. GRESEN: Foundation. Speculation.
5 THE WITNESS: I don't think so, no.
15:05:53 6 Q. BY MS. SAVITT: Okay, okay. So what happened
7 next?
8 A. And then I told him -- I said, "See, this is the
15:06:00 9 problem with this place." I said, "How can you make
10 comments about a guy that you go to dinner with with his
11 wife," or soon-to-be wife, "and you sit here and you
15:06:10 12 disrespect him in front of three of us." I said, "That's
13 the problem in this department is everybody is
14 backstabbing everybody."
15:06:16 15 Q. What did he say?
16 A. And he said, "Well, why do you say that? He's
17 my friend. I can say whatever I want."
15:06:25 18 And I said, "I'm not protecting him, but I'm
19 telling you now that's the exact same thing you do about
20 me," I said, "and everybody else." I said, "It's wrong.
15:06:34 21 If you have a problem with me, Aaron, I expect you to
22 talk to me about it and not spread rumors."
23 Q. What happened next?
15:06:43 24 A. And it escalated. He said something back, and I
25 said something back, and then it went on and on and on.

1 Q. Okay. Do you remember anything specifically you
2 said to him?

15:06:53 3 A. In the car? No.

4 Q. Anything else he said to you in the car?

5 A. Just -- you know, we were going back and forth
15:07:03 6 about that -- that -- that content of what was going on.

7 Q. Did you get out of the car?

8 A. Yes.

15:07:09 9 Q. So you've -- let me just make sure I understand.
10 Did you tell me everything you recall saying in
11 the car between you --

15:07:17 12 A. Yes.

13 Q. -- and Kendrick?

14 A. Yes.

15:07:23 15 Q. Okay. So how did you end up pulling over?

16 A. There were some -- this may be inaccurate. But
17 there was some sort of trash or sunflower seed or
15:07:35 18 something in the car. And prior to that we had discussed
19 the fact of vacuuming it because it had accidentally
20 tipped over, and it was a City car. So we said, "Hey, we
15:07:47 21 need to stop and vacuum the" -- "the contents of the
22 car." So he pulled into an Arco gas station to use the
23 vacuum machine.

15:07:56 24 Q. Okay. So what happened when you guys got out of
25 the car to use the vacuum machine?

1 A. We got out. He was the driver. I was in the
2 back seat on the passenger's side. I walked over to his
15:08:07 3 side, and I said something to the effect of, "This is
4 what I'm sick and tired of of this department. I should
5 have left when I turned in my two-week notice a long time
15:08:17 6 ago." I said, you know, "It's people like you that will
7 end up being administrations of this department and will
8 continue the" -- you know, I went on and on and on. We
15:08:25 9 were going back and forth.

10 And then I told him -- I said, "I'm going to
11 tell you something, Aaron. You need to spread the word."
15:08:34 12 I said, "I'm no longer on probation." I said, "If I hear
13 any one of your friends" -- and I mentioned all his
14 friends. I said, "Any one of your friends talk something
15:08:43 15 about me, and if you ever again do that shit again or" --
16 I don't know what the exact content was. It was "do that
17 shit again" or "point that shit at me again" or something
15:08:52 18 of that nature. I said, "Next time, Aaron, I'm not going
19 to hesitate. I'm going to kill you."

20 Q. And did you mean it?

15:09:02 21 A. I'm going to tell you, if anybody in this
22 department ever again --

23 MR. GRESEN: No, no, no, no, no, no, no.

15:09:11 24 Read back the question.

25 Answer the question. Don't speculate.

1 (Record read.)

2 THE WITNESS: Yes and no.

15:09:16 3 Q. BY MS. SAVITT: Did you ever refer to Kendrick
4 as a dumbass idiot?

5 A. I probably did say it when I was going back and
15:09:22 6 forth at him.

7 Q. And you said, "I'm going to kill you."
8 Did you say, "I'm going to fucking kill you"?

15:09:28 9 A. No.

10 Q. Did you ever call the chief a motherfucker?

11 A. No.

15:09:33 12 Q. Did you ever refer to the chief as a
13 motherfucker?

14 A. Absolutely not.

15:09:38 15 Q. Did you ever tell Kendrick to, "Go call the
16 chief because you don't have the hair on your balls if
17 you don't do it"?

15:09:43 18 A. Yes, I did say that.

19 Q. When did you say that?

20 A. That same day.

15:09:48 21 Q. Do you think that's an appropriate way for a
22 police officer to talk to a fellow officer?

23 A. Yes and no.

15:09:53 24 Q. Why "yes"?

25 A. Because there's been times -- there's been time

1 and time again that Aaron Kendrick and several of his
2 friends that say certain things, and when you call them
15:10:09 3 out on them, the first thing they do is grab their cell
4 phones and go, "Do you want me to call Tim? Because if
5 you want to complain, I'll call Tim right now. I have it
15:10:18 6 on speed dial."

7 Q. So why didn't you take him up on it and say, "Go
8 call him"?

15:10:24 9 A. That's what I did. That's what I told him. I
10 said, "Go ahead. Call him."

11 Q. So did -- did he say in that argument with you
15:10:31 12 that he was going to call Tim Stehr?

13 A. I don't think he said that, no.

14 Q. Okay. So you just said, "Go call the chief
15:10:39 15 because you don't have hair on your balls if you don't do
16 it"?

17 A. Right.

15:10:42 18 Q. Okay. Did you tell Kendrick you were going to
19 bitch slap him?

20 A. Yes, I did.

15:10:48 21 Q. So you were threatening a fellow officer; right?

22 A. No.

23 Q. Well, "I'm going to kill you" and bitch
15:10:54 24 slapping, what do you characterize that as --

25 MR. GRESSEN: Argumentative.

1 A. It's a little narrative.

2 MR. GRESEN: You can answer the context.

15:14:12 3 THE WITNESS: During their basketball games, Aaron
4 Kendrick would make comments about me and Armenians that
5 I was not present. I got word of it. I -- I talked to
15:14:26 6 him about it. He denied it. And he said, "If you would
7 like for me to complain, I'm going" -- "I'll call the
8 chief. I have his number here on speed dial."

15:14:35 9 Q. BY MS. SAVITT: What was wrong with him saying
10 that?

11 A. To me?

15:14:40 12 Q. Yeah.

13 A. Well, that's an immediate threat.

14 Q. What's the threat? "If you want to make a
15:14:47 15 complaint, I'll call the chief for you."

16 MR. GRESEN: Argumentative.

17 You may answer after, "What's the threat?"

15:14:54 18 THE WITNESS: We're a military-structured type
19 organization. We don't go straight to the chief of the
20 police. We go to our superiors.

15:15:03 21 Q. BY MS. SAVITT: But you're talking about an
22 incident that occurred when he was playing basketball;
23 right?

15:15:06 24 A. Right.

25 Q. You weren't there?

1 A. I don't remember.

2 Q. What?

15:23:42 3 A. I don't remember.

4 Q. Did Officer Kendrick ever report you for

5 threatening to bitch slap him and kill him?

15:23:57 6 MR. GRESEN: Foundation. Compound. Speculation.

7 You may answer.

8 THE WITNESS: Not that I know of.

15:24:03 9 Q. BY MS. SAVITT: Were you ever disciplined or

10 investigated for threatening an officer or threatening --

11 threatening to kill an officer or threatening to bitch

15:24:11 12 slap an officer?

13 MR. GRESEN: Speculation. Foundation. Compound.

14 You may answer.

15:24:15 15 THE WITNESS: No.

16 Q. BY MS. SAVITT: So did the next day -- after you

17 went back to the -- the hotel, did the next day Officer

15:24:23 18 Kendrick come to your room and apologize?

19 A. Yes.

20 Q. What did he say?

15:24:28 21 A. He knocked on my door. I told him to come in.

22 He said, "I need to talk to you civilly and man to man

23 without anybody here."

15:24:36 24 I said, "Go ahead."

25 And he basically said, "I'm sorry. I didn't

1 know that you took some of these terms personal. I
2 didn't think that I was offending you."

15:24:49 3 And I just basically told him, "I do not
4 appreciate being called a towel."

5 I tried explaining it to him that I don't know
15:24:58 6 where he got his education from, that Armenians were not
7 from the Middle East and we're not Muslim. We don't
8 wear, you know, anything on our heads. And I don't
15:25:09 9 appreciate him saying that. I don't appreciate hearing
10 it from people.

11 And then I expressed to him that I did
15:25:16 12 personally hear him in the locker room talking to Henry
13 Garay and making those comments.

14 He denied making those comments. He said, "I
15:25:24 15 don't know who's telling you these things."

16 And I said, "Aaron," I said, "what's done is
17 done. It's over. I appreciate you coming into this room
15:25:38 18 as a man, confronting me, talking about it." I said,
19 "It's done. It's over." I said, "It's" -- "This
20 conversation is over. The only thing that I ask for is,
15:25:48 21 if you have a problem with me in the future, my ethnicity
22 and the way I do police work, that there's two things you
23 can do. You can either report it to a supervisor or you
15:25:56 24 can confront me face to face." And I said, "I want you
25 to spread that amongst your friends."

1 Q. And what did he say?

2 A. He said I -- "You're the best cop that I've ever

15:26:07 3 known that the Burbank Police Department's hired. I've

4 never seen you do anything illegal. I apologize for

5 anything that I've done. It won't happen again. And

15:26:13 6 yes, I will tell everybody that you don't appreciate

7 those comments."

8 Q. And what happened next?

15:26:17 9 A. That was it. We went to breakfast.

10 Q. Okay. And after that, Kendrick basically left

11 you alone?

15:26:23 12 A. Basically, yeah.

13 Q. Okay. Now, you said about two and a half years

14 ago, you made amends with him, and then later on I jumped

15:26:32 15 to the conclusion it was in February of 2007, and you

16 said no.

17 A. Uh-huh.

15:26:36 18 Q. So was there a time when something else happened

19 that you made amends with Kendrick?

20 A. No. It was -- it was -- maybe I misunderstood

15:26:45 21 you. I thought you said the day of that argument. It

22 wasn't the day of the argument. It was the next day of

23 the argument.

15:26:51 24 Q. Okay. But it was February of 2007 unless we

25 flipped into March 1st?

1 A. You're correct.

2 Q. Okay.

15:26:57 3 A. It was the exact date after we had the argument

4 outside of the car.

5 Q. Okay. And since then, everything's been cool

15:26:59 6 with you and Kendrick?

7 A. Yeah. I talk to him every day.

8 Q. Okay.

15:27:07 9 A. Well, if I see him every day, I talk to him.

10 MR. GRESSEN: Can we -- since this seems to be a

11 natural breaking point. It's been about an hour and 20.

15:27:08 12 MS. SAVITT: Yes. That's fine.

13 MR. GRESSEN: Thank you.

14 THE VIDEOGRAPHER: Off the record at 3:27 p.m.

15:56:02 15 (A recess was taken.)

16 THE VIDEOGRAPHER: And we're on the record at

17 3:56 p.m.

15:56:13 18 This is the beginning of Tape 3, Volume I.

19 Q. BY MS. SAVITT: Okay. I'd like to have you take

20 a look at Exhibit 112, which is in the notebook in front

15:56:22 21 of you. And if my notebook is correct, it should be the

22 first amended complaint.

23 Would you turn to page 21, please. Okay.

15:56:36 24 MR. GRESSEN: Page 21 in the complaint or at the

25 bottom where it says 112, dash?

1 MS. SAVITT: Page 21 of the first amended complaint.
2 Paragraph 52.
15:56:46 3 MR. GRESEN: Got it.
4 Q. BY MS. SAVITT: Okay. I understand, Officer
5 Karagiosian, that you did not necessarily draft this
15:56:53 6 yourself, but I have to ask you questions about it.
7 A. Okay.
8 Q. Paragraph 52 says, "Another officer even went so
15:57:04 9 far as to threaten Plaintiff Karagiosian's life. The
10 officer in question is Caucasian and is a personal friend
11 Chief Stehr."
15:57:07 12 Is this Aaron Kendrick?
13 A. Yes.
14 Q. Okay. By the way, do you consider yourself
15:57:13 15 Caucasian?
16 A. Yeah.
17 Q. Right. Armenia is in Caucasus; right?
15:57:21 18 A. No. I think it's in the -- I think it's in
19 Asia.
20 Q. Asia Minor, but it's -- it's by the Caucasus
15:57:26 21 Mountain and the Caucasus Valley; right?
22 MR. GRESEN: Foundation.
23 THE WITNESS: I don't know.
15:57:28 24 MR. GRESEN: Speculation.
25 THE WITNESS: You may be right. I don't -- I can't

1 frame.

2 The outside firm that was hired to do this

16:01:06 3 investigation, did you meet with a person as part of that

4 investigation?

5 A. Yes.

16:01:11 6 Q. Was that Irma Rodriguez Moisa?

7 A. No.

8 Q. Did you ever meet with an attorney by the name

16:01:19 9 of Irma Rodriguez Moisa?

10 A. Yes.

11 Q. Okay. Was that before or after this instance

16:01:30 12 with Lieutenant Rosoff and Captain Lowers?

13 A. Before.

14 Q. Okay. Then did you also meet with an attorney

16:01:43 15 by the name of Sergio Bent?

16 A. Yes.

17 Q. Okay. And you met with him on one or more than

16:01:48 18 one occasion?

19 A. More than one occasion.

20 Q. Was it three occasions?

16:01:51 21 A. Possibly, yes.

22 Q. Okay. Was the meeting -- the statements by

23 Captain Lowers and Lieutenant Rosoff before or after you

16:02:04 24 had met with Sergio bent?

25 A. Both.

1 that investigation?

2 A. To the best of my knowledge, I was recently told

16:06:50 3 that the investigation's still ongoing.

4 Q. Okay. Who told you that?

5 A. Sergeant Misquez.

16:07:04 6 Q. Do you know of any officer who received any type

7 of disciplinary action as a result of the investigation

8 of Irma Rodriguez Moisa?

16:07:13 9 MR. GRESSEN: Foundation. Speculation.

10 You may answer.

11 THE WITNESS: Not her investigation.

16:07:13 12 Q. BY MS. SAVITT: Okay. Did you have an

13 understanding that the Sergio Bent investigation was also

14 part of an effort on the part of the department to look

16:07:30 15 into allegations of discrimination and harassment?

16 A. Yes.

17 Q. Okay. And do you know if any officer suffered

16:07:40 18 any type of discipline or reprimand or slap on the wrist

19 or suspension? Anything. I want to keep it really

20 broad.

16:07:45 21 A. Yes.

22 Q. As a result of the Sergio Bent investigation?

23 A. Yes.

16:07:43 24 Q. And what do you know?

25 A. I know that Aaron Kendrick received some sort of

↑
1 discipline.

2 Q. Okay. And did you think that was appropriate?

16:07:57 3 A. No.

4 Q. Why not?

5 A. I don't think he should have received any

16:08:01 6 discipline.

7 Q. Okay. And why not?

8 A. Because it's not his fault.

16:08:09 9 Q. Well, if he's accused of doing the things you

10 accused him of, wouldn't that be his fault?

11 A. No.

16:08:13 12 MR. GRESSEN: Argumentative.

13 Q. BY MS. SAVITT: Why do you say it's not his

14 fault?

16:08:17 15 A. Because that's why this department has

16 sergeants, lieutenants, captains, deputy chiefs, and

17 chiefs. Okay? You don't let a problem go on for

16:08:27 18 years -- or year and year and years to come. It's not

19 his fault. If they had originally taken care of this

20 problem initially, it would have never come to what it's

16:08:35 21 come to now.

22 I told him that. We had a conversation, and I

23 expressed my feelings, and I told him that I believe that

16:08:47 24 he's a good officer. I think he should remain an FTO,

25 and I think that he is a victim of the crisis of

1 management of this department and the failure of
2 supervision in this department.

16:09:01 3 Q. Okay. Did you suffer any discipline as a result
4 of Sergio Bent's investigation?
5 A. No.

16:09:09 6 Q. Okay. Now -- then you said -- okay. So after
7 you heard about Captain Lowers's and Lieutenant Rosoff's
8 comments and Sergeant Duran confirmed it, you said you
16:09:23 9 went to the chief's office?
10 A. Yes.

11 Q. So do you recall approximately when that was?
16:09:29 12 A. I went several times because every time I went,
13 he was busy. Obviously he's the chief of police. And he
14 had -- either was in the office, was out of the office,
16:09:42 15 was in a meeting. Eventually, several weeks after that,
16 I had a conversation with the chief.

17 Q. Okay. Do you remember approximately when it
16:09:45 18 was?
19 A. I couldn't tell you.

20 Q. Well, do you remember which -- oh, you were in
16:09:51 21 SED at the time; right?
22 A. Yeah.

23 Q. Okay. Was it -- do you remember if it was
16:10:00 24 around Halloween? Thanksgiving? Labor Day? Christmas?
25 A. Yeah. I couldn't tell you.

1 it was towards him. But there was several complaints.

2 Q. Actually, I think you said the summer of '05.

16:29:21 3 I'm sorry.

4 So what in the summer of '05 had you complained

5 about that you think caused Officer Kendrick to pull his

16:29:30 6 duty weapon?

7 MR. GRESEN: Objection to the "summer of '05" in that

8 it may misstate his testimony. And I -- I don't recall

16:29:36 9 the date.

10 But you can answer the second part of the

11 question.

16:29:41 12 THE WITNESS: Okay. I -- I complained twice. Once

13 about -- and I don't know the order. It may be -- I

14 complained about Sergeant Kelly Frank calling me "Sarkis"

16:29:50 15 in roll call.

16 Q. BY MS. SAVITT: Who did you complain to?

17 A. Lieutenant Rodriguez.

16:30:01 18 Q. Okay. Any other complaints?

19 A. I believe -- no. That's not right.

20 There was a complaint I made to one of the

16:30:27 21 officers about the "Cs" being used about Armenians.

22 Q. Any other complaints that you think precipitated

23 this --

16:30:34 24 A. No.

25 Q. -- Aaron Kendrick pulling the gun incident?

1 A. That's it.

2 Q. Okay. So what happened in roll call with Kelly

16:30:44 3 Frank?

4 A. I was working -- that same day shift -- I worked

5 Thursday, Friday, Saturday, day shift. And Sergeant

16:30:57 6 Kelly Frank would go around asking everybody or doing

7 roll call, and everybody would be called by his last --

8 by their last name, and I would be called "Sarkis."

16:31:07 9 Q. What was the -- that -- that was your birth

10 name; right?

11 A. My middle name, yes.

16:31:13 12 Q. Weren't you born "Sarkis"?

13 A. I think my parents named me Steve Sarkis

14 Karagiosian.

16:31:19 15 Q. Oh, you didn't change your name to Steve?

16 A. Legally, I did change it when I came over. But

17 I think my Armenian -- I believe my Armenian birth

16:31:30 18 certificate says Stepan Sarkis Karagiosian.

19 Q. Okay. So when did you change your name legally

20 to Steve?

16:31:38 21 A. I couldn't tell you. Sometime in high school.

22 While attending high school.

23 Q. Okay. And so Kelly Frank's position at the time

16:31:43 24 was --

25 A. A sergeant.

1 Q. Okay. So were you on probation then or off
2 probation?

16:31:50 3 A. I had just gotten off probation.

4 Q. Okay. So you would have gotten off probation
5 in --

16:31:55 6 A. 2005, July.

7 Q. -- July of 2005.

8 So this is --

16:32:02 9 A. I believe it was the summer of 2005. That's the
10 only shift that I worked Thursday, Friday, Saturday, day
11 shift.

16:32:10 12 Q. Okay. And who did you complain to that Kelly
13 Frank called you "Sarkis"?

14 A. Lieutenant Rodriguez.

16:32:16 15 Q. And what did Lieutenant Rodriguez do, if you
16 know?

17 A. Originally when I told him about it, he said,
16:32:22 18 "Are you kidding me?"

19 And I said, "No."

20 And he said, "When does he call you that?"

16:32:29 21 I said, "Every day for the last couple weeks in
22 roll call."

23 And he said, "Okay. Tomorrow morning I'm going
16:32:33 24 to go to roll call."

✓ 25 And the next day, Lieutenant Rodriguez showed up

1 to roll call.

2 Q. Okay. And what happened at roll call?

16:32:35 3 A. He called me "Sarkis" again.

4 Q. Okay. And what happened next?

5 A. There was some sort of conversation between

16:32:48 6 them. I -- I don't know what the conversation was. But

7 Lieutenant Rodriguez then contacted me and said that,

8 "I've already talked to him," that it will not happen

16:32:58 9 again, and that he's submitting either a memo of some

10 sort or an email of some sort to the higher-ups -- his --

11 which would be his captain regarding the incident.

16:33:11 12 Q. Okay. So did Kelly Frank call you "Sarkis" ever

13 again?

14 A. No.

16:33:15 15 Q. Did anyone else ever call you "Sarkis" after

16 that?

17 A. After that? Yeah.

16:33:18 18 Q. Who?

19 A. Sergeant Yadon has called me "Sarkis" before.

20 Q. How many times?

16:33:24 21 A. Oh, I couldn't tell you. It's -- it's -- it's

22 not once or twice. It's not, you know, 50 times. It's a

23 lot of times.

16:33:33 24 Q. Okay. You don't like being called "Sarkis"?

25 A. I don't like being "Sarkis" when everybody else

1 is -- is being called their last name in a formal meeting
2 of a roll call room.

16:33:44 3 Q. Okay. So when did Sergeant Yadon call you
4 "Sarkis"? In a formal roll call meeting?

5 A. No, no. He's never done that in a formal roll
16:33:45 6 call meeting.

7 Q. He just substitutes that for your first name?

8 A. Every so often, yeah.

16:33:50 9 Q. So that's different than the Kelly Frank
10 situation?

11 A. It's similar.

16:33:57 12 Q. Well, he's not calling everybody by their last
13 name and just you "Sarkis." So --

14 MR. GRESSEN: Foundation.

16:34:00 15 Q. BY MS. SAVITT: Right?

16 MR. GRESSEN: Foundation. Overbroad. Vague as to
17 time.

16:34:05 18 You may answer.

19 THE WITNESS: If I wanted to be called "Sarkis," I
20 would have told people to call me "Sarkis."

16:34:10 21 Q. BY MS. SAVITT: So did you tell Sergeant Yadon,
22 "I prefer you don't call me 'Sarkis'"?

23 A. No.

16:34:14 24 Q. Why not?

25 A. The way I look at it is I've already complained.

1 How many times do I have to complain?

16:34:27 2 Q. Well, you never complained about Sergeant Yadon,
3 did you?

4 A. I don't know if I did or not.

5 Q. If you don't want him to do something, don't you
16:34:35 6 think it's only fair to him to tell him you don't want
7 him to do something?

8 A. Not --

16:34:37 9 MR. GRESEN: Argumentative.

10 Q. BY MS. SAVITT: I -- I -- I saw you at the break
11 go up to him and shake his hand and smile at him.

16:34:40 12 I mean --

13 A. Yeah.

14 Q. -- do you have a good relationship with him?

16:34:42 15 A. I think so.

16 Q. So why didn't you just say, "I prefer to be
17 called Steve"?

16:34:48 18 A. It doesn't work that way. The same reason why I
19 didn't tell Sergeant Frank to call me "Sarkis."

20 Q. Well, that was more of an official setting.
16:34:59 21 This is more casual; right?

22 MR. GRESEN: Argumentative.

23 Is there a question?

16:35:01 24 Q. BY MS. SAVITT: Right? Is this more casual?

25 MR. GRESEN: More casual than what? Vague and

1 Q. Are you sure?

2 A. I'm positive.

16:36:25 3 Q. Okay. So when was the last time Sergeant Yadon
4 called you "Sarkis"?

5 A. The day he called me to translate that -- the
16:36:36 6 handicap placard thing -- incident over the phone.

7 Q. Okay. And so that was sometime in --

8 A. 2008.

16:36:41 9 Q. 2008.

10 And when was the time before that he called you
11 "Sarkis"?

16:36:47 12 A. I believe when I worked for him on patrol prior
13 to going to SED.

14 Q. Okay. So --

16:36:51 15 A. Sometime in 2007.

16 Q. Okay. So you went to SED in August of '07?

17 A. Right.

16:36:58 18 Q. And so between August of '07 and August '08,
19 he -- he only called you "Sarkis" that one time?

20 A. That's correct.

16:37:03 21 MR. GRESEN: That he knows of.

22 MS. SAVITT: Okay.

23 MR. GRESEN: Objection. Foundation. Speculation.

16:37:07 24 MS. SAVITT: If he doesn't know about it, Counsel,
25 nobody knows about it because he was the one that was

1 talking about you went to Sergeant Gunn in late 2007
2 about Aaron Kendrick pulling the gun. And then you met
16:56:46 3 with Dermenjian also?

4 A. Yes.

5 Q. Okay. And you might have told me, but I'm
16:56:57 6 getting tired too.

7 Who told you, "Well, that complaint will not be
8 sustained," or something that Stehr said?

16:57:06 9 A. Dermenjian told me that, "Hey, you're not going
10 to believe this. You need to sit down." And then that's
11 when he told me.

16:57:13 12 Q. Okay. You say that, "No corrective action was
13 ever taken against the officer for his wrongdoing."

14 Is that still your belief in light of the fact
16:57:24 15 that you understand he's no longer an FTO?

16 A. Yes.

17 Q. Okay. And were you -- and you were never
16:57:33 18 disciplined for threatening Officer Kendrick's life;
19 right?

20 A. That's correct.

16:57:35 21 Q. Do you think that was fair?

22 A. Yes.

23 Q. Don't you think you should have been disciplined
16:57:43 24 for telling him you're going to bitch slap him and kill
25 him?

1 A. Absolutely not.

2 Q. Why not?

16:57:48 3 A. Because I did it for self-defense.

4 Q. Okay. What was the self-defense?

5 A. When I made that comment, my comment wasn't

16:58:01 6 quote/unquote, "I'm going to kill you." My comment was,

7 "If you pull that shit out again," or, "If you do that

8 shit again to me, I'm going to kill you."

16:58:12 9 Q. And didn't you tell Sergio Bent that you told

10 him, "I'm going to fucking kill you"?

11 A. I don't --

16:58:14 12 Q. Sergio Bent --

13 A. I don't know. Maybe I did. I don't -- I don't

14 know exactly what was said. I mean, it was a heated --

16:58:21 15 he was cussing. I was cussing. It was going back and

16 forth.

17 Q. Okay.

16:58:23 18 A. It could have been said.

19 Q. Help me out, Officer Karagiosian. Why did you

20 wait two years to report the Kendrick issue to your chain

16:58:38 21 of command?

22 A. Because there's something that happened to me in

23 the hallway in the department when I was working here

16:58:47 24 that I -- that was the point that I decided that I'm not

25 going to take any of this anymore.

1 Q. Okay. So what happened that caused you to wait
2 two years to report it to your chain of command?

16:59:06 3 A. I was walking in the hallway, and Detective
4 Ross, Detective Dahlia, Detective Kleinfeld, and Henry
5 Garay through a two-day or three-day period as they saw
16:59:24 6 me walking in the hallway continuously kept on saying,
7 "100 percent my friend," with an accent and continuously
8 kept on saying, "My friend. Oh, Vontez. How you doing,
16:59:38 9 my friend? You come after me like speeding bullet for
10 seat belt ticket," with like all these accents, and they
11 kept on going and going and going.

16:59:47 12 And I remember walking in the room, and I told
13 Sergeant Gunn -- I said, "This thing's going to come to a
14 end quick." And I said, "Either my way, or I have to do
16:59:53 15 it legally."

16 And he said, "What's the matter?" And then I
17 told him. And he said, "Are you kidding me?"

16:59:59 18 And I said, "No." And I said, "You know what,
19 Sarge?" I says, "I'm not going to take this retaliation
20 anymore from nobody." I said, "I'm not going to take it
17:00:09 21 because of my ethnicity, and I'm not going to allow
22 nobody to talk to me like this. There's a couple things
23 I need to tell you." And then that's when I told him.

17:00:12 24 Q. Okay. Did you tell him -- so you -- you said,
25 "There's a couple things I need to tell you."

1 What were the couple things that you told him?

2 A. I told him about the gun incident.

17:00:18 3 Q. The gun incident.

4 A. I told him about -- you know, he didn't know

5 about Sergeant Frank. I told him about Sergeant Frank.

17:00:27 6 I told him several things that Detective Ross had done to

7 me in the past when he was an FTO. I went down the line.

8 Q. Okay.

17:00:35 9 A. And that's when he said, "Hey, I think you need

10 to speak to the lieutenant."

11 Q. Okay. So you said this incident in the hallway

17:00:42 12 was two days?

13 A. It was like a two-day period.

14 Q. Okay. And Ross at the time was?

17:00:48 15 A. A detective.

16 Q. Dahlia at the time was?

17 A. A detective.

17:00:53 18 Q. Kleinfeld at the time was?

19 A. A detective.

20 Q. And Garay at the time was?

17:00:58 21 A. A detective.

22 Q. Okay. So for -- and how long did they do this

23 little mimicking?

17:01:07 24 A. What do you mean?

25 Q. Well, you said for two days they said, "100

1 percent my friend. You come back after me for a seat
2 belt violation."

17:01:19 3 Okay. Was it once a day? A thousand times a
4 day?

5 A. Every time that I would make contact with
17:01:26 6 them -- let me just explain it so you know, I guess to
7 clarify it.

8 We share a fax/copy room with the entire
17:01:35 9 detective bureau. When we print as an SED unit, any
10 information from our printer gets -- our print server,
11 gets immediately sent to that room.

17:01:45 12 So on a daily basis, I'm -- if I'm doing some
13 sort of investigation on an individual and need to do
14 follow-up on paperwork and photos, I would have to go
17:01:54 15 back and forth to the printer which is in another room
16 approximately 30, 40, 50 feet away from our office. And
17 in the hallway, I would see them or see them in the roll
17:01:59 18 call room, and they would make those comments.

19 Q. Did they make the comments because they saw you,
20 or you just observed them making the comments?

17:02:04 21 A. Both.

22 MR. GRESSEN: Foundation.

23 Q. BY MS. SAVITT: Okay. And -- but you said this
17:02:09 24 went on for a two-day period?

25 A. Right.

1 Q. So when I -- the question I'm trying to ask is,
2 how many times each day did this happen? Was it just
17:02:19 3 once? Was it twice? A thousand times? I don't know.
4 A. If you're looking for a number, I don't know.
5 But the best answer would be every time I saw him -- I
17:02:30 6 saw them, which would be more than ten times in total,
7 everybody that I saw, a day.
8 Q. Okay. And after those two days, did it stop?
17:02:36 9 A. No.
10 Q. Okay. And did you tell them, "Knock it off"?
11 A. No.
17:02:40 12 Q. Why not?
13 A. Because I had -- I believe I had very -- I had
14 made it very clear -- because everybody in the station
17:02:51 15 knew about me and Kendrick's confrontation. I had made
16 it very clear that I wasn't happy with those comments.
17 And for a while, they stopped, until I went back to
17:03:01 18 SED -- until I went to SED.
19 Q. Okay. So after this two-day situation in the
20 hallway, it still continued?
17:03:09 21 A. Yes.
22 Q. Did you tell -- did you report this to Gunn,
23 these --
17:03:12 24 A. Yes.
25 Q. -- comments in the hallway?

17:03:16

1 A. Yes.

2 Q. And did he take any action on those, as far as
3 you know?

4 A. He escorted me to Lieutenant Dermenjian.

17:03:24

5 Q. And you told Lieutenant Dermenjian about Ross,
6 Dahlia, Kleinfeld, and Garay?

7 A. Yes.

8 Q. Okay. And what did Dermenjian say?

17:03:28

9 A. He said he was going to go to the chief of
10 police and tell the chief of police.

11 Q. Okay. Do you know if any action was taken
12 against them?

17:03:32

13 A. I believe, to the best of my knowledge, that it
14 was incorporated with the Sergio Bent investigation.

17:03:49

15 Q. Okay. But between the fall of 2008 -- fall of
16 2007 and the Sergio Bent investigation, how often did
17 that happen with Ross, Dahlia, Kleinfeld, and Garay?
18 There's the two days you told me about, but what else?

17:04:06

19 A. It was -- it was a common -- it was a common
20 thing that they said.

17:04:15

21 Q. And you never told them, "I don't like it"?

22 A. I figured, just like anybody else would --

23 Q. No. The answer to my question is "yes" or "no."

17:04:35

24 A. No.

25 MS. SAVITT: Why don't we break now, and we'll come

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss.

3
4 I, Susan C. Campana, a certified shorthand
5 reporter in and for the state of California do hereby
6 certify:

7 That the foregoing proceedings were taken before
8 me at the time and place therein set forth, at which time
9 the witness was put under oath by me;

10 That the deposition was recorded
11 stenographically by me and was thereafter transcribed
12 into typewriting under my direction and supervision and
13 contains a true and correct transcript of my shorthand
14 notes so taken.

15 I further certify that I am not related to any
16 party to said action, nor in any way interested in the
17 outcome thereof.

18
19 IN WITNESS WHEREOF, I have hereunto subscribed
20 my name this 07th day of November, 2009.

21
22
23
24 Susan C. Campana
25 SUSAN C. CAMPANA, CSR NO. 9573

Superior Court of the State of California
For the County of Los Angeles

OMAR RODRIGUEZ; CINDY
GUILLEN-GOMEZ, STEVE
KARAGIOSIAN; ELFEGO
RODRIGUEZ; AND JAMAL CHILDS,

Plaintiffs,

vs.

BURBANK POLICE DEPARTMENT;
CITY OF BURBANK; TIM STEHR;
KERRY SCHILF; JAMIE "J.J."
PUGLISI; DAN YADON; KELLY
FRANK; PAT LYNCH; MIKE
PARRINELLO; AARON KENDRICK;
DARIN RYBURN; AND DOES 1
THROUGH 100, INCLUSIVE,

Defendants.

No. BC414602

VOLUME II

DEPOSITION OF STEVE KARAGIOSIAN

Burbank, California

Friday, November 13, 2009

Reported by: Susan C. Campana,
CSR No. 9573

Riggs Reporting Services

CERTIFIED COURT REPORTERS

2985 East Hillcrest Drive, Suite 209
Thousand Oaks, California 91362
(805) 495-8919 Phone (805) 495-6001 Facsimile

1 I said, "Okay."
2 And then when we got back, I talked to him
10:31:00 3 again, and I said that, "It's been resolved. We
4 discussed it the next day. He came to my room, and it's
5 been resolved. We're done."
10:31:08 6 He said, "Okay." He said, "I have already
7 discussed it with my attorney" -- I mean -- I'm sorry.
8 "I've already discussed it with my lieutenant, and we're
10:31:17 9 going to talk about it."
10 Q. Okay. Isn't it true that you were not able to
11 reach Sergeant Penaranda that night and you didn't talk
10:31:25 12 to him until the next day after Aaron Kendrick had
13 apologized to you?
14 A. I know there was a time where I couldn't reach
10:31:33 15 him, but I couldn't tell you if it was that night or the
16 night after.
17 Q. Okay. And when you came back to work, did
10:31:43 18 Sergeant Penaranda do some training on use of racial
19 comments or harassment to the FTOs?
20 A. No.
10:31:52 21 Q. Did he do any training on that at all?
22 A. No.
23 Q. Did he discuss it?
10:31:55 24 A. Yes.
25 Q. Okay. Tell me what -- tell me what you mean by

1 "he discussed it."

2 A. We were sitting in this room, and he was up
10:32:06 3 against the podium there -- or the white board. And he
4 got up and said, "I just want to let you guys know that
5 you guys are FTOs, and you guys are now a supervisory
10:32:20 6 type of position because you're basically a supervisor
7 for your trainee and that I will not tolerate any
8 individual making racial comments of any kind." And he
10:32:32 9 asked us if we understood, and we all said yes.

10 Q. And who was present at that FTO meeting?

11 A. I know for sure Elfego Rodriguez and Nick
10:32:44 12 Nichols, myself, and Aaron Kendrick because we were the
13 brand new FTOs. So we showed up. I believe -- and I may
14 be mistaken. I believe Officer Lamoureux and Officer
10:33:05 15 Phil Wise.

16 Q. Anybody else?

17 A. Obviously Sergeant Penaranda and Lieutenant
10:33:11 18 Berry.

19 Q. Lieutenant Berry was also present?

20 A. Yeah.

10:33:20 21 And I believe some -- usually a captain shows up
22 to one of the meetings. I couldn't tell you who it was
23 because it -- it fluctuates every time because they
10:33:29 24 discuss trainees. So I can't remember who was present at
25 one of those.

1 were referring to?

2 A. Yes.

10:46:18 3 Q. What are they?

4 A. About March or April of 2007, Sergeant Yadon
5 gave training on citations of registered owners for
10:46:34 6 equipment violations.

7 Q. For what kind of violations?

8 A. Equipment violations.

10:46:41 9 Q. Of vehicles?

10 A. Yes.

11 Q. Okay. And what was -- what were the comments
10:46:47 12 about ethnicities?

13 A. After he was done with the training, I don't
14 know exactly -- I can't quote you exactly what the
10:46:57 15 comments were, but it went something like, "This is how
16 you cite all Armenians that the cars don't register to
17 them."

10:47:18 18 Q. What -- what is the vehicle code issue with a
19 car not registered to a person?

20 A. Do you want me to explain?

10:47:22 21 Q. Yes.

22 A. Okay. What I meant by that, I think you
23 misunderstood is, say you're driving a car that belongs
10:47:32 24 to your cousin or it belongs to a family friend or just a
25 friend, and that car has a broken windshield, for

1 Burbank law; right?

2 A. That's correct.

10:53:46 3 MR. GRESEN: Incomplete hypothetical.

4 Q. BY MS. SAVITT: Okay. So he couldn't have said,

5 "This is how you cite Mexicans in general"; right?

10:53:54 6 MR. GRESEN: Misstates testimony.

7 MS. SAVITT: That's what I'm trying to find out,

8 Counsel.

10:53:58 9 THE WITNESS: He could have. I don't remember what

10 he said.

11 Q. BY MS. SAVITT: You don't remember what he said?

10:54:01 12 A. Not exactly.

13 Q. Okay.

14 A. That's exactly what I told you earlier.

10:54:07 15 Q. Okay. Any other comments?

16 A. Yes.

17 Q. What are they?

10:54:19 18 A. I was working overtime, and the Glendale Police

19 Department requested mutual aid on standby for the

20 Oktoberfest that takes place in the city of Glendale in

10:54:37 21 the Montrose area. And I worked a lot of overtime at the

22 time, and I was in roll call that I normally am not.

23 And when they put out -- I believe at the time

10:54:48 24 it was Sergeant Ryburn put out the individuals that were

25 going to be on standby for the mutual aid. Officer Scott

1 Moody from the back of the roll call said, "That's great.
2 It will take only one Armenian to fuck that up."
10:55:12 3 Q. And did anybody say anything in response to
4 that?
5 A. I turned around and looked at him. You can
10:55:22 6 obviously tell that he was shocked, that he didn't know I
7 was there.
8 Q. Okay. Did anybody say anything?
10:55:24 9 A. No.
10 Q. Okay. Did you talk to Moody about that
11 afterwards?
10:55:28 12 A. No.
13 Q. Okay. So that would have been in about October
14 of '07?
10:55:34 15 A. No, no, no. That was way earlier. That was
16 probably '05.
17 Q. October of '05?
10:55:37 18 A. Yeah.
19 Q. Okay.
20 A. Oh, not October of '05. Somewhere in '05.
10:55:42 21 Q. Well, you said it was related to the
22 Oktoberfest. So I just leapt to the conclusion that it
23 was October.
10:55:47 24 A. Could --
25 Q. But maybe it was just a stupid conclusion on my

1 Which was when, approximately? I don't want to
2 put --
11:02:56 3 A. Sometime in '08.
4 Q. In '08.
5 Everything was pretty quiet in terms of comments
11:03:02 6 and things like that because you thought it was dead?
7 MR. GRESEN: Foundation. Speculation.
8 You may answer.
11:03:06 9 THE WITNESS: Yes.
10 Q. BY MS. SAVITT: Okay.
11 A. Well, let me -- can I clarify that?
11:03:13 12 Q. You can clarify anything you want, sir.
13 A. Okay. It was dead because I didn't hear stuff.
14 People were telling me things --
11:03:18 15 Q Okay.
16 A. -- but that doesn't count in my book anymore.
17 Either I hear it, or it just doesn't matter anymore.
11:03:27 18 Q. Okay. So between February of '07 and sometime
19 in '08, you didn't hear anything; correct?
20 A. Personally, yes.
11:03:32 21 Q. Personally. Okay.
22 Now --
23 MR. GRESEN: It's almost an hour. Is now a good
11:03:39 24 time? Do you want to go five, ten more?
25 MS. SAVITT: Well, we started a couple minutes late.

1 I've heard officers state "usual suspects" when
2 the calls come out. Or if the descriptions were male
11:18:47 3 Hispanics, they would say, "Go figure."
4
5 And then the most significant one that sticks
6 out in my head is -- I don't know if this is exactly the
11:19:02 7 way it was said, but, "Why do we have Hispanics in our
8 city?" Or Mexicans in our city. I don't -- I don't know
9 which word -- word was used. "Look at the area of Lake
11:19:17 10 and Verdugo and look at the area of Thornton and Niagara.
11 The majority of them live there, and they fucked that
up."
12
11:19:29 13 Q. Anything else?
14
15 A. I'm pretty sure I'll remember more as the day
16 goes by, but as of now, that's it.
17
11:19:40 18 Q. Okay. All of these comments -- let me say this.
19 Were all these comments heard by you while you
20 were on patrol?
21
11:19:45 22 A. Yes.
23
24 Q. Okay. Any -- were you -- did you hear these
25 comments while you were in SED?
26
11:19:51 27 A. Yes.
28
29 Q. Okay. And have you heard them since you've gone
30 back to patrol?
31
11:19:56 32 A. No.
33
34 Q. Okay, okay. Tell me every officer you've ever

1 know --

2 A. Well, I don't know the context.

11:25:06 3 Q. Okay. Well, where were you and where were he?

4 A. That's what I was trying to explain.

5 Q. That's -- that's what I meant by "context."

11:25:14 6 A. When you're on training, you don't talk to

7 anybody except your FTO. That's just an unwritten rule.

8 And I was in lower report writing, writing a report, and

11:25:25 9 when I was done with my report, I was turning it in to

10 the watch commander's office.

11 Certain individuals -- and I don't know exactly

11:25:34 12 who -- were standing in the hallway in front of roll call

13 where the -- I guess the cubbyholes are, where we put

14 our -- where we put our equipment bag.

11:25:46 15 I went upstairs, dropped off the report, came

16 back down. And then Mark Stohl said, "Hey, have you ever

17 heard of the Cs?"

11:25:53 18 I said, "No. What's the Cs?"

19 And he says, "The four Cs. You've never heard

20 of it?"

11:25:58 21 And I said, "No."

22 And there was a bunch of officers that started

23 laughing. I don't know who was there. It was all of

11:26:05 24 like watch two was there, you know, which -- because when

25 you're new, you don't know a lot of these officers.

1 You just know your FTO and a couple other guys by -- you
2 know, by -- by face if you see them.

11:26:17 3 And I said, "No, sir."
4 And he says, "Well, we're up to seven now."
5 I said, "Okay, sir."

11:26:24 6 And then he started telling me the four Cs. And
7 I think he went up to five or six. He didn't get to the
8 seventh. And then I saw my FTO. I immediately walked
11:26:35 9 away from them and went to my FTO.

10 Q. Okay. What did he say the four Cs were up to
11 five, six, or seven?

11:26:42 12 A. He started off with -- he said, "These are what
13 all the Armenians have. This is how we associate like
14 the Armenians with them." It would be like cigarettes,
11:27:06 15 cologne, cars, cell phone.

16 I don't -- I don't remember the rest. I don't
17 know. There was a whole list of them.

11:27:14 18 Q. Okay. And did you say anything to --
19 Your FTO at that time was Parrinello?

20 A. Yes.

11:27:19 21 Q. Did you say anything to him about it?
22 A. No.

23 Q. Did he overhear it?
11:27:28 24 A. I don't think so, no.

25 Q. Okay. Have you ever heard anyone mention the

↑
1 four Cs, up to seven Cs, since then?
2 A. Yes.
11:27:30 3 Q. Who?
4 A. Officer Lamoureaux.
5 Q. Anyone else?
11:27:36 6 A. No.
7 Q. And when did you hear Officer Lamoureaux say the
8 four Cs?
11:27:47 9 A. After I got off training, I went to a -- after I
10 got off probation, I went to a graveyard shift, I
11 believe. Thursday, Friday, Saturday, or Friday,
11:27:56 12 Saturday, Sunday. I don't know exactly.
13 Officer Lamoureaux and I were partnered up as an
14 Adam unit and -- which means a two-man unit. And with
11:28:07 15 that, we became really close friends, and we spent 12
16 hours in a police car together every day, day in and day
17 out. And there was things that we talked about because
11:28:14 18 he was also a lateral from the -- from the L.A.
19 Sheriff's.
20 Q. Okay. So what did -- so how did he use the four
11:28:17 21 Cs?
22 A. He didn't use it. I told him about it. And we
23 started talking about it in our conversation.
11:28:25 24 And he told me that, "You're the first person
25 that I've ever heard tell me about that."

1 purpose of Sergeant Misquez being there was to protect us
2 and not disseminate the information to the station. I
12:11:15 3 was disappointed at the fact that a lieutenant and a
4 captain in this department knew everything about the
5 investigation.

12:11:23 6 I contacted Sergio Bent after that and asked him
7 if he had already come to a conclusion about the
8 investigation. And he stated no, and he didn't know why
12:11:35 9 a lieutenant and the captain would go to roll call and
10 say that. After that day, I don't believe I trusted him,
11 the IA investigation, or the administration in total.

12:11:49 12 Q. Okay. So -- but didn't you understand or did --
13 let me try it a different way.

14 Did you understand that there were essentially
12:11:58 15 two investigations? One was Irma Rodriguez Moisa's and
16 one was Sergio Bent's?

17 A. No.

12:12:02 18 Q. You didn't understand that?

19 A. They -- they told us it was one.

20 Q. Who -- who told you it was one?

12:12:07 21 A. Sergio Bent told me it was one.

22 Q. What did Sergio Bent tell you?

23 A. I don't know exactly what was said. But he said
12:12:16 24 that Irma was no longer doing an investigation. They had
25 changed the -- the investigations firm to Ford &

1 Harrison. I remember that. Ford & Harrison.
2 And I said, "Okay." I said, "That's why" -- and
12:12:27 3 I asked. I said, "Is Irma going to interview us?"
4 And he said, "No," that he's now in charge of
5 the investigation.

12:12:34 6 Q. Okay. But Lieutenant Rosoff and Captain Lowers
7 spoke to the graveyard shift before you had your third
8 interview with Sergio Bent; right?

12:12:42 9 A. That's correct.

10 Q. Okay. So why didn't you believe Sergio Bent if
11 he was still conducting the interview after Lieutenant
12:12:55 12 Rosoff and Captain Lowers told you that the preliminary
13 investigation had shown certain things?

14 MR. GRESEN: Compound.

12:13:10 15 THE WITNESS: Because in my mind and the way that
16 Sergio Bent told me and made me understand, that every
17 part of that investigation was between him -- it was
12:13:24 18 between him and I, and nobody else.

19 He specifically mentioned numerous times that,
20 "I want you to tell me everything, and this is
12:13:36 21 confidential." But little did I know, every single thing
22 that I had said, majority of the officers, majority of
23 the supervision in this department already knew.

12:13:48 24 Q. BY MS. SAVITT: How do you know that?

25 A. Because it was being talked about every single

1 Little Armenia and ends up in Montebello, and at the
2 Turkish embassy, I believe.

13:37:49 3 Q. The Turkish embassy is in Montebello?
4 A. No. They separate it. It goes in the morning,
5 all the way to the Turkish embassy on Wilshire from
13:37:52 6 Hollywood, and then from there they end up in Montebello.
7 Q. Okay. And where is Little Armenia?
8 A. It's in Hollywood.

13:38:06 9 Q. Are you a member of the BPOA?
10 A. Yes.
11 Q. And how long have you -- what is your position
13:38:10 12 with the BPOA?
13 A. I am currently a board member, officer
14 representative.

13:38:15 15 Q. And is that an elected position?
16 A. Yes.
17 Q. And did -- did you run against competition or
13:38:24 18 run against anybody to get -- get elected?
19 A. Yeah. I think I did. I think I did.
20 Q. Or nobody wanted the job except for you?
13:38:30 21 A. Yeah. I don't know. I think I did.
22 Q. Okay.
23 A. Yeah.
13:38:31 24 Q. When --
25 A. I'm assuming I did.

1 Q. When were you elected?
2 A. December or January -- December of '08 to
13:38:45 3 January of '09. Somewhere around there.
4 Q. Okay.
5 A. Maybe. Yes. Maybe earlier. Maybe November of
13:38:52 6 '08.
7 Q. But it's been this past year?
8 A. Yes.
13:38:55 9 Q. Okay.
10 A. I think it's been less than a year maybe.
11 MS. SAVITT: Okay. Hold on a second because I
13:39:25 12 misplaced --
13 Q. Why did you run for the BPOA?
14 A. Personal opinion? Is that what you're asking?
13:39:35 15 Q. Well, I'm not asking opinion so much as I'm
16 asking your personal motivation or interest or desire.
17 Why did you run for the BPOA?
13:39:48 18 A. Because I'm not technically happy with the
19 Burbank Police Officers Association, and I figured that I
20 would probably go in there and see if I could make a
13:39:54 21 change.
22 Q. Okay. So since you have been on the BPOA, have
23 you complained to any of the board members about any of
13:40:07 24 what you believe to be discriminatory comments you've
25 heard over the years?

1 A. Complained? No.
2 Q. Okay. Have you raised the issue with the BPOA?
13:40:16 3 A. Not with the association.
4 Q. Okay. And Detective Parrinello is the president
5 of the BPOA?
13:40:21 6 A. Yes.
7 Q. And how do you get along with him?
8 A. Good.
13:40:28 9 Q. Has Detective Parrinello done anything to you in
10 the history of your employment with the department that
11 you felt was discriminatory, harassing, racist,
13:40:38 12 retaliatory?
13 MR. GRESEN: Foundation. Speculation. Legal
14 conclusion. Expert opinion. Seeks application of law to
13:40:47 15 fact in violation of Rifkin v. Superior Court.
16 As to your belief -- and compound.
17 As to your belief as to those terms, you may
13:40:54 18 answer.
19 THE WITNESS: Yes.
20 Q. BY MS. SAVITT: What has Detective Parrinello
13:41:00 21 done to you that you thought was either discriminatory,
22 harassing, racist, or otherwise retaliatory?
23 A. I believe it would be the latter. And it was a
13:41:11 24 comment that I made to him during a cordial conversation
25 that he chose to go to the chief with.

1 And I later told him that, "I thought you and I
2 had the agreement that we were just talking man to man."
13:41:23 3 And he said, "Well, that's not how I felt."
4 I said, "You lie." I said, "You're a liar."
5 And him and I had a discussion. And I said, "Mike, I
13:41:33 6 don't trust you ever again." I said, "It was a normal
7 conversation between you and I."
8 He said, "Yes. Okay. It was a normal
13:41:38 9 conversation. But with all this that's going on in the
10 department, I'm getting blamed for everything. I need to
11 now forward everything to the chief of the police that's
13:41:46 12 brought up to my attention."
13 And I said, "Fair enough if you feel that way.
14 I agree with you because I don't want you to get in
13:41:54 15 trouble. That wasn't my intention."
16 And he said, "Okay." And then that was it.
17 Q. Okay. What was the conversation -- when did
13:42:03 18 this conversation with Detective Parrinello take place?
19 A. I couldn't tell you exactly. Somewhere in '09,
20 but I couldn't tell you when.
13:42:12 21 Q. Before or after you filed the lawsuit?
22 A. Before. I believe before.
23 Q. The week before?
13:42:19 24 A. No. I believe before.
25 Q. Okay. Where --

1 A. I can't pinpoint the exact date.
2 Q. Where were you and he when you had this
13:42:26 3 conversation?
4 A. In his office.
5 Q. And what was the conversation about?
13:42:36 6 A. It was about change in the police department.
7 And he said, "I'm sorry that you've experienced some
8 stuff, and I don't know what you've experienced," and
13:42:45 9 then that's where it started.
10 Q. And did you tell him what you experienced? What
11 did you say in response?
13:42:54 12 A. I -- I gave him an example of an incident, but I
13 can't tell you which one I gave him an example of. I
14 forgot. It was about some -- something about a sergeant
13:43:03 15 had said something. Or -- yeah. A sergeant had said
16 something.
17 Q. Do you remember who the sergeant was you were
13:43:08 18 referring to?
19 A. I don't remember.
20 Q. Do you remember what the sergeant said?
13:43:14 21 A. I -- I don't know what incident I told him
22 about. So I couldn't tell you.
23 Q. Do you remember where you were when the sergeant
13:43:21 24 made the comment?
25 A. I don't know what comment.

1 Q. Okay. I'm just trying to --
2 A. Right, right. I don't know what comment I told
13:43:26 3 him.
4 Q. -- see if I can --
5 A. Right.
13:43:26 6 Q. -- trigger your memory somehow.
7 A. Yeah. I don't know what comment -- which
8 specific comment I told him about.
13:43:37 9 Q. Was it a comment that was recently made, or was
10 it a comment that had been, you know, a couple years
11 before?
13:43:41 12 A. I have no idea.
13 Q. Okay. What did Detective Parrinello say in
14 response to your telling him about this comment?
13:43:51 15 A. Nothing. He just said, "I'm sorry that you had
16 to experience something like that," and then that was the
17 end of it.
13:43:55 18 Q. Okay. So were you okay with the conversation at
19 the time it took place?
20 A. Yeah.
13:44:00 21 Q. Okay. So what did you find out Detective
22 Parrinello did?
23 A. He went and told the chief. The chief then went
13:44:11 24 and told Sergeant Misque, and then they called me into
25 internal affairs to talk to me about something about that

1 incident.

2 Q. Were you the focus of that IA?

13:44:20 3 A. No.

4 Q. Do you remember who the IA was about?

5 A. It wasn't an IA. It wasn't a formal IA. They
13:44:29 6 just called my into the office --

7 Q. Okay. So --

8 A. -- and -- and -- and told me that if I wanted to
13:44:36 9 file the complaint or -- what the conversation was about,
10 basically. They wanted to find out more.

11 Q. Okay. So Misqueze called you in.

13:44:44 12 Who else was there when you were called into
13 internal affairs?

14 A. Sergeant Ruiz.

13:44:51 15 Q. And Misqueze is a sergeant also?

16 A. Yes.

17 Q. Okay. So did they -- what did they say to you?

13:44:57 18 A. Basically they called me in and said, "Hey, I
19 want to talk about a comment that you told Parrinello."

20 And I said, "When?" because I didn't know
13:45:04 21 exactly what they were talking about.

22 And so they said, "Yesterday or the day before,
23 a week before."

13:45:08 24 And I said, "Yeah."

✓ 25 And he goes, "Well, is there something that you

1 want" --.

2 I said, "No, no, no." I said, "That was it, a
13:45:15 3 cordial conversation that I had with him that I used as
4 an example to him regarding change." And I said, "I
5 can't believe he would come to you or go to the chief
13:45:23 6 with that." And I said, "I'm going to have a
7 conversation with him."

8 And they -- they encouraged me not to. I said,
13:45:31 9 "Look, I'm not upset at him because I know he's got to
10 cover his rear end basically. But," I said, "the
11 conversation I had with him was a man-to-man conversation
13:45:40 12 about change in the police department and the BPOA, and
13 that's what I wanted to help out assisting. That's why I
14 put in for this job."

13:45:46 15 And they were like, "Okay," whatever happened,
16 and then I went and talked to Mike.

17 Q. Okay. So did you decline to make a formal
13:45:55 18 complaint to Sergeant Ruiz and Sergeant Misquez?

19 A. Yes.

20 Q. And you thought somehow that that was
13:46:02 21 retaliation by Parrinello to go report it to the chief?

22 A. Yes.

23 Q. And after Mike Parrinello explained to you why
13:46:07 24 he did it, did you still feel that way?

25 A. Yes.

1 Q. Okay. And why do you feel that way?

2 A. Primarily because the conversation that we --

13:46:20 3 him and I had was very cordial. The conversation that

4 him and I had, I had expressed to him that, "Hey, this is

5 not a complaint." I even told him that, "I'm not

13:46:29 6 complaining. I'm just telling you these are the changes

7 that I would like to see in the future in this

8 department." And it was more of a -- I guess BPOA member

13:46:41 9 to a president or board member to a president type

10 conversation.

11 Q. Okay.

13:46:44 12 A. And I thought the conversation was going to end

13 there.

14 Q. Okay.

13:46:48 15 A. It was an example of what I wanted to do in the

16 future to clarify.

17 Q. Okay. And did you tell him what you wanted to

13:46:50 18 do in the future?

19 A. That was one of the things that I would want to

20 see the police department go to in the future.

13:46:55 21 Q. Which is what?

22 A. Which is change to stop comments like this from

23 occurring and people getting educated regarding cultures.

13:47:04 24 Q. Okay. So how -- I'm not trying to argue with

25 you, Officer Karagiosian. But if -- if you are aware of

↑

1 someone making a comment and you decline to make a
2 complaint, how do you expect the department to address
13:47:19 3 the subject? End of question.

4 A. I told him -- and the comment, I believe, was in
5 Sergio Bent's interview. It was already covered --

13:47:28 6 Q. Okay.

7 A. -- as one of the things I told him. I said --
8 and that's when -- I want to clarify. That's when
13:47:37 9 Sergeant Misquez told me, "That investigation is still
10 ongoing," that, "You can't talk about it."

11 And I said, "I'm sorry, Sarge. I thought that
13:47:45 12 investigation by Sergio Bent was complete."

13 He said, "No. It's still ongoing. I don't want
14 you to talk about it."

13:47:52 15 Q. Okay. Now, speaking of Sergio Bent, did you
16 ever tell Sergio Bent that you thought the chief was a
17 great guy?

13:47:57 18 A. Yes.

19 Q. And did you tell him you thought the chief was
20 getting fucked by a guy he trusted?

13:48:04 21 A. Yeah.

22 Q. Okay. Who were you referring to?

23 A. Aaron Kendrick.

13:48:13 24 Q. Okay. And since you made up with Aaron Kendrick
25 in February of 2007, what, if anything, did you think he

1 Brian Cozakos "The Greek," would you feel better about
2 it?

13:54:13 3 A. If he -- yes.

4 Q. Okay. Now, has Sergeant Yadon done anything
5 that you thought was harassing, discriminatory,
13:54:25 6 retaliatory, or otherwise improper or inappropriate?

7 MR. GRESEN: Foundation. Speculation. Calls for a
8 legal conclusion. Expert opinion. Seeks application of
13:54:33 9 law to fact in violation of Rifkin v. Superior Court.

10 You may answer the question as to your belief as
11 to those terms only.

13:54:38 12 THE WITNESS: Yes.

13 Q. BY MS. SAVITT: And what do you believe Sergeant
14 Yadon has done in that regard?

13:54:45 15 A. Those two comments we talked about earlier. One
16 about the citations. "This is how you cite Armenians,"
17 or, "This is how you cite Armenians with traffic" --
13:54:57 18 "that cars don't register to them." Whatever was said.
19 there. I don't know specifics. The other one about,
20 "This is how you cite Hispanics," or Mexicans, "in our
13:55:05 21 City." Something to that nature.

22 The other one was fairly recent. I got a -- I
23 was told by a detective to -- if I was available to work
13:55:25 24 Monday, Tuesday, Wednesday to translate some audio tapes.

25 Q. Who was the detective?

1 A. Detective Pfrommer.
2 Q. Okay. And what is your issue with that?
13:55:39 3 A. There is none. It's what led after that.
4 Q. Did you refuse to translate the tapes?
5 A. No.
13:55:48 6 Q. What led -- what happened after that?
7 A. He asked me if I was, and I said, "I will only
8 come in if I'm ordered because those are my days off.
13:56:00 9 They would have to pay me overtime."
10 And he said, "Okay."
11 I said, "There's three other Armenians in this
13:56:05 12 department that speak the language. You can contact
13 them." But, I said, "John, you're a friend of mine. If
14 you can't find anybody to do it, give it to me, and I'll
13:56:15 15 do it on my free time at home without getting paid."
16 And he said, "No, no, Steve. We're not going to
17 do that."
13:56:21 18 I said, "Listen to me, John." I said, "You know
19 I do that all the time."
20 He said, "Okay."
13:56:27 21 I said, "Don't worry about it."
22 I don't know what happened then after, but about
23 two weeks later, John Pfrommer sees me in the hallway and
13:56:36 24 says, "Hey, I need to talk to you."
25 I said, "What's going on?"

1 He said, "I was contacted by a sergeant and then
2 later contacted by a city attorney, Carol Humiston. And
13:56:50 3 Sergeant Yadon was the person that contacted me and was
4 asking and inquiring about you not -- failing to do your
5 duties as far as translating tapes. And the story that
13:57:03 6 they had was not accurate. And I felt that he was trying
7 to persuade me to alter the story of some sort."

8 And I said, "Really?"

13:57:15 9 And he said, "Yeah."

10 I said, "Well, tell me what happened with Carol
11 Humiston."

13:57:23 12 He said he got a phone call from Carol Humiston,
13 and Carol Humiston had asked him basically the same type
14 of situation that Sergeant Yadon had asked him. And John
13:57:31 15 said, "That's not what happened. Steve didn't refuse to
16 do the work. He just said, 'They'll have to pay me for
17 overtime. You can have somebody call me. I'll come
13:57:40 18 in.'"

19 And John said that it was obvious that Carol
20 Humiston wasn't happy with his response, and she got
13:57:50 21 upset and hung up the phone on him.

22 I then filled out -- wrote an email to Judie
23 Wilkie, and I also, I think, went over and talked to her
13:58:02 24 about it. And I told her that, "I'm" -- "I feel I'm
25 being targeted because of my lawsuit. I feel like

1 there's retaliation. And I feel that certain individuals
2 in this department and the City are trying to get
13:58:17 3 individuals to alter their story so they can retaliate
4 against me."
5 Q. Okay. Do you have a copy of that email you sent
13:58:23 6 to Judie Wilkie?
7 A. I do not.
8 Q. Did you report this to the BPOA?
13:58:30 9 A. No.
10 Q. Did you suffer any employment action as a result
11 of what Pfrommer told you?
13:58:40 12 A. No.
13 Q. Okay. If Sergeant Yadon or Carol Humiston or
14 anyone had heard that you had refused to interpret or
13:58:55 15 translate tapes, do you think there's something wrong
16 with them trying to find out -- investigate whether that
17 was true or not?
13:59:04 18 MR. GRESSEN: Objection. Incomplete hypothetical.
19 Assumes facts not in evidence. Compound.
20 You may answer as to your belief.
13:59:12 21 THE WITNESS: Can you repeat the question, please.
22 Q. BY MS. SAVITT: Basically do you think there's
23 anything wrong with them trying to find out what
13:59:16 24 happened?
25 A. Yes.

1 Q. Why?

2 A. Because they didn't talk to me.

13:59:27 3 Q. Well -- but they did talk to someone who knew --

4 had information about it?

5 A. Right. But the person who told me what they

13:59:37 6 were telling me specifically stated that they felt that

7 they were being persuade to alter the story to get me in

8 trouble.

13:59:47 9 Q. And when you do your investigations -- when --

10 when you were in SED and helped in the Jacaranda murder

11 or helped in other murders and other crimes and

13:59:58 12 everything, do you always go to the target person to

13 interview first?

14 A. No.

14:00:02 15 Q. You sometimes go to peripheral people to try to

16 get information to see if there's -- to help you with

17 your investigation?

14:00:06 18 A. Yes.

19 Q. And if the peripheral people tell you there's

20 nothing to it, you don't have to go any further; right?

14:00:13 21 A. It depends.

22 Q. Okay. Well, if you believe the peripheral

23 people and they say there's nothing to it, you could drop

14:00:19 24 it; right?

25 A. Yeah.

1 Q. So do you see -- do you think there's anything
2 wrong with Carol Humiston or Sergeant Yadon going to a
14:00:30 3 peripheral person in this situation and finding out if
4 there was any truth to a rumor or information that they
5 received?

14:00:32 6 A. Yes.

7 Q. Why?

8 A. Because the way it was told to me that he was
14:00:41 9 being persuade to alter the story to get me in trouble.

10 Q. Okay. But you never did get in trouble; right?

11 A. No.

14:00:46 12 Q. That was a bad question on my part.

13 Did you get in trouble?

14 A. No.

14:01:10 15 Q. Okay. Now, how do you get along with Kelly
16 Frank today?

17 A. Kelly Frank hasn't talked to me in about three
14:01:15 18 years, four years.

19 Q. And I take it you haven't talked to him either?

20 A. I say hello to him every day if I see him.

14:01:23 21 Q. And he doesn't say hello back?

22 A. No.

23 Q. And how long has that been going on?

14:01:30 24 A. Since the last time I went fishing with him.

25 Q. Since the last time you went fishing with him?

1 Q. Did you put in for SRT?
2 A. No, I did not.
14:05:49 3 Q. Okay. And what was Sergeant Frank's role in
4 SRT?
5 A. He's the sergeant that -- I don't know at the
14:05:56 6 time. I know that he's a sergeant for the observers now.
7 I don't know what his role is. It changes, and I'm not
8 involved in it. So I couldn't tell you.
14:06:04 9 Q. Why didn't you go to Sergeant Frank yourself and
10 say, "Why didn't you just come ask me if I'm putting in
11 for SRT?"
14:06:14 12 A. The guy hasn't talked to me in three years. Why
13 would I go to him?
14 Q. Okay. So did you complain to Lieutenant
14:06:20 15 Rodriguez in 2008 that he wasn't -- that Kelly Frank
16 wasn't talking to you or that he had asked about SRT?
17 A. Yes.
14:06:32 18 MR. GRESSEN: Compound. Incomplete hypothetical.
19 You may answer.
20 THE WITNESS: Yes.
14:06:33 21 Q. BY MS. SAVITT: Which was it?
22 A. Both. I -- I just told him that, "Hey, Lt., is
23 there anything we can do about this because I don't see
14:06:42 24 any rhyme or reason."
25 And he basically told me that, "He's not

1 Q. Okay. So this was what? Early '04 -- or late
2 '04?

14:09:10 3 A. Early '05.

4 Q. Okay. Would you look at Exhibit 112, which is
5 the first amended complaint. Paragraph 50 on page 21.

14:09:45 6 I know you didn't write this. So I'm not going
7 to hold you to it, but I want to ask you some questions
8 about it. Okay?

14:09:50 9 A. Uh-huh.

10 Q. Yes?

11 A. Yes.

14:09:55 12 Q. Okay. So let's skip down to line 7,
13 paragraph 50.

14 "Burbank PD officers have made numerous
14:10:01 15 offensive and inappropriate race-based comments
16 concerning plaintiff's Armenian ancestry."

17 We went through a whole slew of comments today.
14:10:06 18 Can you think of any more as you sit here today?

19 A. Yes.

20 Q. Okay. What are they?

14:10:15 21 A. On numerous occasions -- like I said, I've been
22 called every name -- every legal name that probably an
23 Armenian -- an Armenian has. I've been called Harapet.
14:10:30 24 I've been called Hakop. Karapet -- I've been called -- I
25 can't remember half the names that they --

1 You know, every -- they deal with suspects, and
2 the names were there, and they would come in and call me
14:10:41 3 by their suspect's names or -- or people they gave
4 citations to.

5 If -- if an older Armenian guy was arrested,
14:10:49 6 they would come in and go, "Hey, I arrested your dad."
7 If, you know, a girl was arrested for some odd reason,
8 for whatever violation, "I arrested your sister." "I
14:11:00 9 arrested your mom," or, "your grandma," "your cousin."

10 There was one instance, I came into the gym.
11 They were making fun of clothing, like socks that
14:11:18 12 Armenians wear or, you know, outfits that Armenians wear,
13 cars that Armenians drive, the lions that Armenians have
14 in front of their house, the marbles, the pools. I mean,
14:11:34 15 I can -- you know, that's what I can remember. But if I
16 remember more, I can, you know, come back to them.

17 Q. What does "Harapet" mean?

14:11:43 18 A. It's somebody's name.

19 Q. Who called you a Harapet?

20 A. Henry Garay, Cutler. I think that's -- them
14:11:51 21 two.

22 Q. Okay. And when did Garay call you Harapet?

23 A. '05 and '06.

14:12:00 24 Q. How many times?

25 A. Numerous times.

1 Harapet -- Harapet is a guy -- he's an Armenian
2 guy that's on parole now. Harapet Oganessian. They call
14:12:14 3 him Harry.
4 Q. Oh, it's a first name?
5 A. Yes.
14:12:18 6 Q. Okay. And how many times did Cutler call you
7 Harapet?
8 A. It was a daily basis.
14:12:23 9 Q. And when you were on patrol?
10 A. Yeah.
11 Q. And did he call you that after you went to SED?
14:12:31 12 A. No. Because he's no longer here.
13 Q. What was the second name you said? I couldn't
14 get it down.
14:12:35 15 A. Harapet, Karapet.
16 Q. I got Karapet. There was one in between.
17 A. Harapet, Karapet.
14:12:37 18 What else did I say?
19 MR. GRESEN: Hakop?
20 THE WITNESS: Hakop -- Hakop. Yeah.
14:12:37 21 (Record read.)
22 THE WITNESS: Hakop, H-a-k-o-p.
23 Q. BY MS. SAVITT: Okay. What's Hakop mean?
14:12:59 24 A. It's a first name. It's my father's actual
25 first name.

1 Q. Okay. Who called you Hakop?

2 A. Cutler and Henry Garay.

14:13:06 3 Q. 2005/2006?

4 A. Yes.

5 Q. And Karapet, what is that?

14:13:12 6 A. It's another first name.

7 Q. And who called you that?

8 A. The same individuals.

14:13:16 9 Q. In '05 and '06?

10 A. Yeah.

11 Q. Okay. And, "I arrested your dad." Who said

14:13:20 12 that?

13 A. The same individuals.

14 Q. Were they joking when they said this?

14:13:26 15 MR. GRESSEN: Foundation. Speculation.

16 You may answer.

17 THE WITNESS: To me, they weren't.

14:13:31 18 Q. BY MS. SAVITT: Did you -- did they -- did you

19 think that they thought they were joking?

20 A. I couldn't tell because when I first heard it, I

14:13:40 21 thought really they arrested my dad. I was like, "What?"

22 He goes, "Yeah. We arrested your dad."

23 I was like, "Dude, get the hell out of here."

14:13:47 24 He's like, "No." He's like, "No, this guy."

25 "That's not my dad," you know, because I never

1 heard -- you know, nobody's ever talked to me like that.
2 So I didn't know.

14:13:58 3 Q. Okay. Did you complain to anybody about being
4 Harapet, Karapet, or Hakop?

5 A. I don't think so, no.

14:14:16 6 Q. Okay. My trick brain just went out. So I'm
7 going to ask you a question I know I already asked you,
8 and I apologize.

14:14:21 9 But who said, "I arrested your dad"?

10 A. Cutler and Henry Garay.

11 Q. Okay. And that was '05/'06?

14:14:25 12 A. Yes.

13 Q. Okay. And who said, "I arrested your mom"?

14 A. The same individuals.

14:14:31 15 Q. Okay. So all of these comments you've given to
16 me, "I arrested your grandma," "I arrested your cousin,"
17 those were by Garay and Cutler?

14:14:37 18 A. That's correct.

19 Q. And those were in 2005 and 2006?

20 A. There was one instance where Henry Garay said it
14:14:46 21 in like 2008.

22 Q. Tell me about that incident.
23 Where were you at the time?

14:14:51 24 A. I was in the hallway leading from SED to the
25 copy room.

1 Q. And what did he say?
2 A. He said, "Hooo, Harapet."
14:15:00 3 Q. Okay. And what did you say?
4 A. I said, "That shit better stop quick."
5 Q. And what did he say?
14:15:06 6 A. He said, "All right."
7 Q. Okay. And did it -- did it stop after that?
8 A. Yeah.
14:15:14 9 Q. Do you remember what month that was in '08?
10 A. (No audible response.)
11 Q. Well, were you still in SED?
14:15:19 12 A. Yeah. I was in SED.
13 Q. Okay. And since you had this -- this
14 interaction with Garay where he said, "Hooo, Harapet,"
14:15:29 15 and you said, "That shit better stop quick," did he ever
16 call you any kind of names again?
17 A. No, no.
14:15:37 18 Q. You said there were comments about clothing of
19 Armenians.
20 Was that also Cutler and Garay?
14:15:41 21 A. Yeah.
22 Q. Also 2005/2006?
23 A. Yeah.
14:15:46 24 Q. Comments about socks. I -- I didn't quite --
25 A. Yeah.

1 Q. What's the socks comment?

2 A. They're just -- you know, I don't know. They

14:15:52 3 would deal with an Armenian guy, and the guy would have

4 some -- I don't know what the guy was wearing because I

5 wasn't there. And then they would come in and go, "Hey,

14:16:01 6 what's up with, you know, Armenians wearing," A, B, C,

7 and D. I was like, "I don't know."

8 Q. Okay. So --

14:16:04 9 A. I don't know.

10 Q. Okay. And what about the cars that they drive?

11 A. Mainly because they were driving, one, expensive

14:16:13 12 cars, and then, two, the cars didn't register -- most

13 cars don't register to the individuals that are driving

14 it. Like they were younger kids. Because every time we

14:16:26 15 stop them, it's mom's and dad's or cousin's or uncle's or

16 something -- something like that.

17 Q. Okay. Now, you said -- you said every time we

14:16:38 18 stop them, they said it's their cousin's, their mom's,

19 their dad's.

20 Is sharing of cars among the Armenians

14:16:56 21 necessarily common?

22 MR. GRESSEN: Foundation. Speculation.

23 THE WITNESS: Not more or less common than any other

14:17:01 24 culture.

25 Q. BY MS. SAVITT: Well, I got to be honest with

1 you, I've never driven my cousin's car in my life, and I
2 don't drive my friend's car. But I don't represent
14:17:10 3 anything.
4 But you said, "Every time we stop them," and it
5 sounded to me like -- and maybe I'm wrong -- that you
14:17:18 6 were saying this happens frequently within the Armenian
7 community that Armenians are driving other people's cars.
8 A. If I meant that, I'm sorry. It's what they told
14:17:29 9 me. "Every time we stop them, the car registers to
10 somebody else," is what they said.
11 Q. Okay. Is that a concern that it could be a
14:17:34 12 stolen car?
13 A. I don't know because I'm not -- I don't know
14 what they're referring to.
14:17:41 15 Q. Okay. Have you ever stopped any Armenian
16 residents who are driving someone else's car?
17 A. Of course.
14:17:49 18 Q. Okay. Does it happen with any degree of
19 frequency within the Armenian community?
20 MR. GRESEN: Foundation. Speculation.
14:17:53 21 THE WITNESS: No.
22 Q. BY MS. SAVITT: Okay. What are the -- but
23 the -- and the only two guys who made comments about
14:18:03 24 that, though, were Garay and Cutler?
25 A. Right.

1 Q. And that was in '05 and '06?
2 A. Uh-huh.
14:18:06 3 Q. Yes?
4 A. Yes.
5 Q. Okay. And what are the comments about lions in
14:18:09 6 front of the houses?
7 A. Comments were -- at the time I was remodeling my
8 house because my -- we didn't have enough room. My
14:18:19 9 kid -- my son was born.
10 So the comments were, "Hey, what do you want for
11 your house? I'm going to buy you some lions just like
14:18:30 12 any other Armenian that has lions." "Do you need columns
13 in front of your house?" "I got a good hookup on marble
14 if you want to put marble on your floor."
14:18:43 15 And so one day I told them to come to my house
16 and see that I didn't have any marbles and I didn't have
17 any columns and I didn't have any lions in front of my
14:18:55 18 house, and if they didn't appreciate it, that they were
19 no longer welcome in my house.
20 Q. So when were you remodeling your house? Early
14:19:01 21 2005?
22 A. Yes. Late 2004, early 2005.
23 Q. And so you invited Cutler and Garay over to your
14:19:10 24 house to look at it?
25 A. Yes.

1 Q. Okay. Do you know if they legitimately had a
2 marble person to hook you up with?

14:19:19 3 A. I know that -- I don't know. I don't know.

4 Q. Okay. So what did they say when they came over
5 to your house?

14:19:30 6 A. Actually, only Cutler came over.

7 Q. And what did Cutler say?

8 A. He said, "It's not what I expected."

14:19:39 9 Q. Okay. And then did he stop the comments about
10 lions, marble, and columns?

11 A. No, no.

14:19:48 12 Q. Did -- when Cutler came over, how long did he
13 stay?

14 A. He came over twice.

14:19:55 15 Q. What was -- the first time he came over, how
16 long did he stay?

17 A. 10, 15 minutes.

14:20:00 18 Q. And what was the reason he came over the second
19 time?

20 A. I don't know because I was off. He just showed
14:20:08 21 up while he was working. I guess he wanted to see the
22 progress of the work.

23 Q. Do you know if Cutler considered you a friend?

14:20:18 24 A. I considered him a friend originally. We went
25 skiing together twice.

1 Q. When did you go skiing with him?

2 A. I want to say 2004, maybe 2005. And Henry Garay

14:20:35 3 was also there. And -- who else was there? It was

4 two -- Elfego Rodriguez showed up. And I -- I think

5 that's it.

14:20:43 6 Q. Where did you go skiing?

7 A. Wrightwood.

8 Q. So at the time you guys went skiing, you guys

14:20:51 9 were getting along; right?

10 A. Yes.

11 Q. Okay. And do you no longer consider Henry Garay

14:20:59 12 a friend?

13 A. Probably after that second ski trip, I no longer

14 had any association with him.

14:21:07 15 Q. Okay. And how about Cutler?

16 A. Same thing.

17 Q. What happened at the second ski trip?

14:21:10 18 A. Nothing.

19 Q. Why did you stop having association with him

20 after the second ski trip?

14:21:16 21 A. Because I told them on the way home that they

22 were crazy.

23 Q. Tell me about this conversation.

14:21:20 24 You were driving together?

25 A. Yeah. I was driving my car, and they were in

1 it.

2 Q. And what did you say?

14:21:25 3 A. I said they were crazy.

4 Q. And did they say, "Why?"

5 A. Because the way they talked and the things that

14:21:32 6 they were saying were going to get people in trouble.

7 And I told them -- I said, "I don't want to associate

8 with you guys anymore if you guys are going to continue

14:21:40 9 to talk about this nonsense in front of me."

10 Q. Okay. And then after this second ski trip, did

11 they continue to make these comments that you've told me

14:21:48 12 about?

13 A. Yes.

14 Q. Okay. So you think the ski trip was in 2005?

14:21:56 15 A. It could have been that winter because I started

16 in '04, and then that winter from December '05, early --

17 or early '05.

14:22:06 18 Q. Was your son a baby?

19 A. Yes.

20 Q. What did they say when you said, "You're crazy"?

14:22:11 21 What did they say when you said they're crazy?

22 A. They said, "You don't know about the politics of

23 this department."

14:22:21 24 Q. What did -- who said what next?

25 A. Henry Garay said those words. "You don't know

1 about the politics of this department."

2 Q. Okay.

14:22:26 3 A. "You're too new," or something like that.

4 Q. And then so you said, "Tell me," or, "What don't

5 I know?" or something?

14:22:30 6 A. No.

7 Q. You just dropped the conversation?

8 A. I dropped it. They continued to talk.

14:22:35 9 Q. What did they continue to say?

10 A. Henry Garay kept on talking about how Lieutenant

11 Puglisi was going to be the next chief of police, how the

14:22:45 12 BPOA was lined up for certain individuals to take

13 command, how Parrinello was going to be president -- or

14 was president, how he considered Captain Lowers his

14:23:01 15 mother even -- because she helped him move up or helped

16 him with everything that he's -- he's advanced to.

17 He talked about Captain Lynch and how Captain

14:23:09 18 Lynch is going to move up the ranks and be the captain

19 and deputy chief, how Tim Stehr's going to be the next

20 chief.

14:23:15 21 I mean, everything was -- was lined up in their

22 head. But, to me, I didn't know anybody. I didn't know

23 Captain Lynch. I didn't know -- I didn't -- I just said,

14:23:24 24 "Man, I want no part of this. I want no part of your

25 conversation." I said --

1 He said, "They're all strategic moves, and
2 that's all I'm going to tell you." And he kept on
14:23:33 3 talking about his relationship with people.
4 Q. So you weren't curious about the who's who of
5 the department?
14:23:38 6 A. No.
7 Q. You weren't curious as to who was going to be
8 the new chief?
14:23:42 9 A. No.
10 Q. When was the -- when did Tim Stehr become chief,
11 if you recall?
14:23:51 12 A. I have no idea. '06, maybe.
13 Q. Weren't you -- were you at all concerned that
14 depending on who became the chief what -- how -- how that
14:24:00 15 would affect you?
16 A. No.
17 Q. Okay. So have you now told me all the comments
14:24:13 18 that you think you've heard over the years?
19 A. From what I can remember now, yeah. Like I
20 said, maybe throughout our interview, there would be
14:24:23 21 more. But from what I can remember.
22 Q. Okay. So if we go on to paragraph 50 of the
23 first amended complaint, it says, "By way of example, and
14:24:34 24 not by way of limitation, Officer Karagiosian was once
25 told to show up for roll call in a light blue Sean John

1 called you "Sarkis" at roll call; right?

2 A. That's -- that's correct.

14:25:46 3 Q. Okay.

4 A. Well, not -- I had mentioned that Sergeant Yadon

5 had called me "Sarkis" once before.

14:25:54 6 Q. Not at roll call, though?

7 A. Correct.

8 Q. Okay. Is it true, Officer Karagiosian, that you

14:26:05 9 have recruited other officers to the Burbank Police

10 Department?

11 A. Yes, I have.

14:26:10 12 Q. And who have you recruited?

13 A. Joe Henry -- Officer Joe Henry, Officer

14 Iskandarian, Officer Brimway, Officer Gevork Mirakyan.

14:26:32 15 I'm forgetting one. I can't think on the top of

16 my head.

17 Q. Okay. Is Officer Iskandarian Armenian?

14:26:37 18 A. Yes.

19 Q. Okay. And where did he come from?

20 A. Los Angeles Sheriff's Department.

14:26:44 21 Q. And is Officer Brimway Armenian?

22 A. Yes.

23 Q. And where did he come from?

14:26:50 24 A. California Highway Patrol.

25 Q. And is Gevork Mirakyan -- I may have butchered

1 that name. I apologize.

2 A. G-e-v-o-r-k.

14:27:00 3 Q. Is that a last name or first name?

4 A. First name.

5 Q. First name.

14:27:07 6 And his last name is?

7 A. Mirakyan, M-i-r-a-k-y-a-n.

8 Q. And is he Armenian?

14:27:12 9 A. Yes.

10 Q. And where did he come from?

11 A. He was a -- an independent applicant who became

14:27:25 12 a cadet and then got hired as a police officer.

13 Q. When did you recruit Officer Mirakyan?

14 A. Officer Mirakyan's uncle -- I don't know the

14:27:34 15 date. I don't know.

16 Q. Okay. Who is his uncle?

17 A. His uncle's an L.A. Sheriff's deputy who I

14:27:47 18 talked to in passing. Some -- a mutual friend introduced

19 us. And he asked me, "My nephew wants to join a police

20 department." And I told him to join the Burbank Police

14:27:59 21 Department. I then introduced him -- or had him apply

22 and introduced him to the -- the hiring staff here.

23 Q. Okay. And is he currently an officer here?

14:28:05 24 A. Yes, he is.

25 Q. So -- and Joe Henry, what ethnic group does he

1 belong to?

2 A. He's white.

14:28:15 3 Q. And where did he come from?

4 A. California Highway Patrol.

5 Q. And you knew him before you were an officer

14:28:19 6 here?

7 A. No.

8 Q. You met him --

14:28:24 9 A. Met him at Western Bagel.

10 Q. He was in uniform, you were in uniform, and you

11 started talking cop stuff?

14:28:32 12 A. No. He came up to me and said -- you know, I

13 don't know if it's Western Bagel. What's that bagel

14 place on Hollywood Way and Verdugo? Maybe it is called

14:28:37 15 Western Bagel.

16 Q. Some bagel shop.

17 A. Some bagel shop.

14:28:41 18 He came up to me and said he's looking to

19 lateral and what agency he would -- I would recommend and

20 what I would -- about Burbank Police. And I praised the

14:28:49 21 police department.

22 And he later applied, unbeknownst to me. And

23 then one day we saw him in -- I saw him in a suit in

14:29:01 24 lower report writing. And he said, "This is the guy that

25 recruited me. I just can't remember his name." So

1 that's how I know him.

2 Q. Okay. And have you since encouraged other
14:29:06 3 people to join the Burbank Police Department?

4 A. Yes.

5 Q. When is the most recent time you asked someone
14:29:15 6 to join -- or you tried to recruit someone to join the
7 Burbank Police Department?

8 A. Well, Iskandarian was the most recent, but I
14:29:24 9 think Iskandarian was a combination of me and Brimway.

10 Q. Okay. And are you aware of a police officer
11 from the Palos Verdes area who's Armenian who you've
14:29:41 12 talked to about coming to the Burbank Police Department?

13 A. Yes.

14 Q. Okay. Who is -- who is he?

14:29:47 15 A. I have no idea.

16 Q. How do you know him?

17 A. One graveyard shift, Jared Cutler and I were
14:30:00 18 dispatched or sent to -- I'm trying to think of the
19 police department. It's very tiny. Somewhere out in
20 that area. I can't remember the police department's
14:30:09 21 name. But he sent us -- they sent us out there to pick
22 up an inmate that had been picked up for a warrant.

23 When I got there, the guy was like, "Hey, you're
14:30:14 24 Armenian."

25 I'm like, "Yeah."

	1	He's like, "How you doing in Burbank?"
	2	I was like, "Doing good. Why?"
14:30:19	3	And he's like, "Well, I'm working out here."
	4	And I told him, "You need to come over to
	5	Burbank."
14:30:23	6	And he's like, "Why?"
	7	I said, "It's a good" -- "good place to work."
	8	Q. And how long ago was that?
14:30:30	9	A. 2005, 2006. Maybe 2006.
	10	Q. Did he ever come?
	11	A. No.
14:30:38	12	Q. And at that time, you were partners with Cutler?
	13	A. No. We were two separate Lincoln cars, and when
	14	they send somebody to go pick up an inmate, they will
14:30:51	15	send two units. So instead of taking one car, we'll jump
	16	into -- two of us will jump into one car together and go
	17	down.
14:30:56	18	Q. Instead of taking two cars?
	19	A. Right.
	20	Q. Got it.
14:31:29	21	Now, you told us earlier today that Cutler and
	22	Garay made comments about, "I arrested your father." "I
	23	arrested your mom." "I arrested your grandma." "I
14:31:40	24	arrested your cousins." Those kind of things.
	25	A. Yes.

1 Q. Okay. Explain to me.

2 A. They did -- somebody did say, "I arrested your

14:33:35 3 grandfather." Ryburn said, "He smelled bad." But the

4 guy actually smelled bad.

5 Q. Okay. It was the same person?

14:33:39 6 A. It was the same person.

7 Q. Okay. But -- okay. So who said, "They arrested

8 your grandfather," when Ryburn said, "And he smells" --

14:33:45 9 "He sure smells bad"?

10 A. Cutler.

11 Q. Okay. And what was Ryburn's position at the

14:33:49 12 time?

13 A. He was a sergeant.

14 Q. Okay. And do you know if he heard Cutler say,

14:33:57 15 "They arrested your grandfather"?

16 A. I have no idea.

17 Q. Okay. And did he laugh when Cutler said that?

14:34:06 18 Did you observe him laughing when Cutler said that?

19 A. I couldn't tell you.

20 Q. Okay. Now, if we go to paragraph 58 of your

14:34:19 21 first amended complaint, which is on page 23, it talks

22 about, "On May 4, 2009, Chief Stehr eliminated SED in its

23 entirety." And it says, "In its place, Chief Stehr

14:34:34 24 created the Special Problems Unit (SPU)."

25 And I think yesterday you called it SPU;

1 disrespect you by saying that. And now that we've become
2 friends, that's something that I want you to know."

15:39:56 3 Q. Okay. So he never told you this in 2007, but he
4 told you this in 2009?

5 A. He told me that in 2009, yes.

15:40:03 6 Q. Okay. And other than talking about Sergeant
7 Losacco, did he mention anybody else?

8 A. No.

15:40:13 9 Q. What did -- what did the Embleton twins tell you
10 about comments about SED being dirty, heavy-handed,
11 beating up suspects, and planting dope?

15:40:24 12 A. It was something to the effect of -- and I don't
13 know the exact. Something to the effect of Mofford --
14 Officer Mofford, Officer Schilf, and Officer McDonald had
15:40:39 15 referred to comments about, "SED is dirty," or, "SED's
16 heavy-handed," something of that nature, and they hope or
17 they wish or they're going to be a part of -- of -- of
15:40:50 18 going to the FBI or something like that.

19 Q. And when did --
20 Which Embleton twin told you this?

15:40:56 21 A. They were both together.

22 Q. Okay. And when did they tell you that Mofford
23 or Schilf --

15:41:04 24 And who was the third person?

25 A. Mofford, Schilf, and McDonald.

1 Q. -- McDonald were going to go to the FBI?
2 A. Sometime in 2008. Towards the end of 2008.
15:41:19 3 Sergeant Gunn was still our sergeant.
4 Q. Did they tell you that these guys said why they
5 were going to go to the FBI?
15:41:28 6 A. No.
7 Q. Did they tell you what these guys were going to
8 go to the FBI about?
15:41:30 9 A. No. Because the information that they told me
10 was real vague. They said they just heard bits and
11 pieces of it.
15:41:38 12 Q. Did you think that Mofford, Schilf, or McDonald
13 were going to go to the FBI because you were Armenian?
14 A. No.
15:41:46 15 Q. Okay. What did Neil Gunn, Jr., tell you about
16 these comments that SED was dirty, heavy-handed, beats
17 suspects, and plants dope?
15:41:57 18 A. Neil Gunn, Jr., confirmed both of the Embletons'
19 story. He -- he confronted me either the same day or
20 sometime that week and told me the same -- something
15:42:03 21 similar to that effect. And I said, "Yeah, John and
22 Jason already told me."
23 Q. So did Neil Gunn tell you how he knew that
15:42:13 24 Mofford, Schilf, and McDonald were going to go to the
25 FBI?

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss.

3

4 I, Susan C. Campana, a certified shorthand
5 reporter in and for the state of California do hereby
6 certify:

7 That the foregoing proceedings were taken before
8 me at the time and place therein set forth, at which time
9 the witness was put under oath by me;

10 That the deposition was recorded
11 stenographically by me and was thereafter transcribed
12 into typewriting under my direction and supervision and
13 contains a true and correct transcript of my shorthand
14 notes so taken.

15 I further certify that I am not related to any
16 party to said action, nor in any way interested in the
17 outcome thereof.

18

19 IN WITNESS WHEREOF, I have hereunto subscribed
20 my name this 27th day of November, 2009.

21

22

23

24

25

Susan C. Campana
SUSAN C. CAMPANA, CSR NO. 9573